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MEMOIR

OF

THOMAS ADDIS EMMET,

BY

CHARLES GLIDDEN HAINES;

WITH A BIOGRAPHICAL NOTICE

OF

MR. HAINES.

NEW YORK:

G. & C. & H. CARVILL.

1829.

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Southern District of New York, &c.

BE IT REMEMBERED, That on the 23d day of May, A. D. 1829, in the 53d year of the Independence of the United States of America, Sleight & Robinson, of the said District, have deposited in this office the title of a book, the right whereof they claim as Proprietors, in the words following, to wit: "Memoir of Thomas Addis Emmet, by Charles Glidden Haines; with a Biographical notice of Mr. Haines." In conformity to the Act of Congress of the United States, entitled "An Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the time therein mentioned." And also to an Act, entitled "An Act, supplementary to an Act, entitled an Act for the encouragement of Learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

FRED. J. BETTS,

Clerk of the Southern District of New York.

Sleight & Robinson, Printers.

PREFACE.

THE MEMOIR of Mr. Emmet, which is contained in this little volume, is probably the best memento which now remains of its author, excepting only the remembrance which is treasured up by his friends of the noble features of his character. This renders it but a just tribute to the memory of General Haines, to allow those pages to meet the public eye, which, of all that he produced in the hour of his short and hurried life, are perhaps the most creditable to his powers of mind. It will also be no small gratification to those who loved and esteemed him, to find his name thus associated with one, whom, living, he delighted to honour, and who was so eminently the pride and ornament of the profession in which General Haines was himself enrolled. Nor can it be doubted that any sketch of the life of Mr. Emmet, drawn by one so competent to the task, however wanting in those minute details of event and circumstance on which the eye of friendship loves to dwell, will nevertheless be an acceptable tribute to his memory. The circumstances too, under which the memoir was drawn up, were such as to stamp it with a peculiar value; for it was at Washington, during the winter of 1824, while both were attending the Supreme Court of the United

States, that Mr. Haines obtained the facts of his narrative from Mr. Emmet himself, at that time lodging in the same house. With his wonted promptness, Mr. Haines immediately committed them to writing, and as he supposed, with the knowledge, or strong suspicion of Mr. Emmet, who did not, as Mr. Haines remarked, on that account, assume the more reserve, but rather the greater freedom. Thus the authenticity of the memoir is placed beyond question; every circumstance it contains being derived from the best possible source.

BIOGRAPHICAL NOTICE

OF

MR. HAINES.

CHARLES GLIDDEN HAINES, was born at Canterbury, in the state of New Hampshire, about the year 1793. His father, who is still living, is a respectable farmer, in humble circumstances, but endowed with a remarkably strong mind, improved by the common school education of New England. His just and energetic habits of thought doubtless exerted great influence on the the mind of his son, by calling its powers into activity at an early age, and thus in some measure compensated for the absence of those opportunities of education, which the limited means of the family put out of their reach. Charles passed the years of his boyhood in his father's house, working on the farm in summer, and attending the village school in winter. It is probable that

this mode of life did not please him, and that while yet a boy some visitings of an ambitious spirit made him seek other employment of a less humble character; for about the age of fourteen, we find that he had obtained the situation of a clerk in the office of Col. Philip Carrigain, at that time Secretary of the State of New Hampshire. While a mere copyist in the office of this gentleman, his desire to be distinguished in every occupation in which he was engaged showed itself in the acquisition of a beautiful hand-writing. It was also at this period, that the first evidence appears of any interest in military affairs; for on the formation of a military company of young lads, Charles was chosen captain.

Beyond this, it is not known to the writer of this notice, what were the amusements in which young Haines indulged himself, or by what studies if any, he sought to improve a portion of his time while in the office of Col. Carrigain. It is probable that the confinement and duties of a copyist were enough to engross all the hours which a lad would willingly devote to serious pursuits. That he acquired no disinclination for study is evident; for on the appointment of Col. Carri-

gain to prepare a map of the state, and his consequent resignation of his office of Secretary, young Haines partly by his own exertions, and partly by the assistance of his friends, prepared himself for college, and was admitted at Middlebury, Vermont, in 1812. He passed through the usual routine of academic study with credit, and was graduated in 1816.*

In consequence of unremitted application, his health had become feeble, and it was recommended to him to take a journey on horseback. It was on this occasion that he first visited the city of New York. He brought letters of introduction to Sylvanus Miller, Esq. who at that time filled the office of Surrogate. This gentleman received the young invalid with hospitality, and was charmed with the frankness and enthusiasm

* Col. Carrigain was a gentleman of fortune and liberal education. He was a distinguished patron of youths of talent. Among the fellow-clerks with young Haines, was one who is now the successor of Col. Carrigain in the office of Secretary; a second, a distinguished literary gentleman of this city, who not long since published his *Letters from Europe*, and the third is a merchant of respectability in Boston.

of his character. Mr. Haines continued his journey as far as Pittsburg in Pensylvania.

He returned to Vermont much recruited by his excursion, and began the study of the law in the town of Middlebury under the direction of Hon. Horatio Seymour, now of the Senate of the United States. He did not confine himself, even at this period, exclusively to professional pursuits, but was an assistant editor of the leading journal of the state of Vermont, then published in Middlebury. It is probable that he would not have resorted to this employment so soon after the commencement of his legal studies, if he had possessed other means of subsistence ; and who can say, that his whole subsequent life did not receive its colouring from this early introduction upon the arena of political warfare ? Nor did he shun military office ; for he was appointed at this period an aid-de-camp of the governor of Vermont.

The year 1818 brought Mr. Haines to the city of New York, and thenceforward we find him moving in that sphere in which he seemed to centre his pleasure and his ambition. What were the immediate motives for his selection of this metropolis as his place of residence, is not discovera-

ble. But the general reason is sufficiently obvious. It was a wider sphere of action than was afforded by any other city in the Union ; and all who knew the aspiring temper and restless ambition of Mr. Haines, will ask no other reason for his choice. On coming to this city he again visited Judge Miller, who had treated him with kindness and hospitality on his former journey, and through the introduction of that gentleman he entered the office of Pierre C. Van Wyck, Esquire, as a student at law.

If the circumstances among which Mr. Haines was previously thrown had given his mind a bias towards political life, much more did his association with Judge Miller and Mr. Van Wyck tend to that result. At the time we speak of, the two great political parties in New York were the supporters of Tompkins and those of Clinton. The kind patrons of Mr. Haines were the warm personal friends of the latter. Mr. Haines had long admired the character of Gov. Clinton, and had now the opportunity of becoming personally acquainted with him. The impression made upon the mind of Gov. Clinton, was much in favour of his young friend, for Mr. Haines was soon after

appointed to the confidential station of private secretary to the Governor. The duties attached to this office made it necessary for Mr. Haines to pass the winter at Albany. Here he necessarily became involved in the schemes and contentions and anxieties of political life. Yet so great was his address, or so happy his temper, that he was beloved by both parties for his generous feelings and polite deportment. In his political strifes there was no malice or hatred. Independent himself, he admired a firm and manly character in others.

Mr. Haines now took an active part in the local politics of the state. He wrote much for the newspapers on various topics, chiefly those of immediate interest. This occupation of course interfered in no small degree with his legal studies.

At the expiration of his clerkship, in the spring of 1821, he was admitted to the bar, and then began sensibly to feel his want of that legal science which can only be obtained by close and long continued application.

Few men have their minds under a discipline sufficiently rigid, to prevent the political excitement they have greatly contributed to raise from disqualifying them, at least for a time, for severe

legal study. And Mr. Haines was never wholly free from interruptions arising from his political connexions. However deeply he might at times feel his want of greater stores of professional knowledge, occasions were perpetually occurring, where other claims were of more pressing and urgent interest.

It is well known that the canal policy of the state of New York is identified with the name and influence of Gov. Clinton. Mr. Haines was naturally friendly to the same policy, and during the first year of his residence in New York produced a pamphlet, in which he took an elaborate review of the probable expense and advantages of the great Western Canal.* Shortly after his admission to the bar he prepared a larger work on the New York Canals, consisting chiefly of the most important public documents on the subject, and

* This was entitled, "Considerations on the Great Western Canal, from the Hudson to Lake Erie, with a view of its expense, advantages and progress. It was afterwards twice within a few months republished by the New York Corresponding Association for the Promotion of Internal Improvements, 1818—19.

prefaced by an introduction, in which he displayed great industry and research.*

After this he secluded himself almost entirely from society, and applied himself closely to professional studies. Few men labour more assiduously than did Mr. Haines for three years after his admission to the bar, and until attacked by the complaint that proved fatal to him. Entirely free from all avaricious views, he did not seek professional business as a source of emolument, but rather as a means of exercising his talents. Yet although above every little art, he had from the first a good share of business as a lawyer. Besides attending to this, he uniformly made it a point to read law three hours a day, and spent his evenings and nights, to a very late hour, in the study of history and political science. It was his habit to make copious abstracts of the books he read, adding his own remarks; and the amount of what he accomplished in a few years is truly surprising.

* This work was also published by direction of the same Association, and is entitled, "Public Documents relating to the New York Canals," &c. 1821.

Mr. Haines was not an exact practical lawyer. He did not covet that character; but while he was familiar with the general doctrines of the law, he devoted his earnest attention to questions, involving the principles of our federal and state constitutions. It was therefore in the courts of the United States, where all the important doctrines regarding our national compact are agitated and determined, that Mr. Haines desired to appear and become eminent. His studies had a constant tendency to this object. Among the manuscript papers he has left behind, there is a minute abstract of the "Federalist," beside several volumes filled with quotations, and occasionally with complete abstracts, of works on kindred subjects. In the unusually short space of three years from his admission to the New York bar, he was admitted as a counsellor of the Supreme Court at Washington.

He probably procured admission at that time, in consequence of having been retained as counsel in the important case of Ogden versus Saunders, which involved the constitutionality of the state bankrupt laws. On its decision, of course, depended the fortune of thousands of individuals, and the title to millions of property. Messrs.

Clay and D. B. Ogden were his senior counsel in that cause, and Mr. Webster and Mr. Wheaton were the opposing counsel. Such a topic and such a competition were well adapted to call forth the full energies of a man less ambitious than Mr. Haines. He did not fall below the sanguine expectations of his friends. The impression he made on his learned auditors was favourable. His argument for the constitutionality of the state bankrupt laws was the fruit of long and laborious preparation. It was afterwards printed, and does credit equally to his industry, his learning, and his good sense. It is throughout vigorous and manly, and in a great degree free from that loose and declamatory style of thought and expression, which, from great haste in composition, is too often discernible in his other productions.

That Mr. Haines had no distaste for pursuits exclusively professional, is evinced by the interest he took in a periodical work, called the "United States Law Journal", which was published in 1822 and 1823. He not only assisted in superintending its publication, procuring articles from his friends, and examining those which were contributed, but himself wrote several valuable essays. The prin-

incipal articles from his pen are on "Penal Jurisprudence", and "Equity Jurisprudence in the state of New York."

From the short period of time that he lived after entering the practice of the law, it would be difficult if not unjust to draw any decided inference as to his legal talents. They were never fully tested. And it is impossible to estimate the effect which might have been produced upon a mind so aspiring and indefatigable as his, by long continued practice at the bar. His early education had been hurried and deficient. His powers of thought had not been tasked by rigorous trains of mathematical and metaphysical reasoning. Thus his mind had never been disciplined to that severity and exactness of thought, which go to form a truly able lawyer. Yet his mental processes were just, rapid and vigorous, and even when competing with men of the highest legal attainments, his previous diligent preparation made Mr. Haines always respectable.*

* In professional business Mr. Haines was successively the partner of Sylvanus Miller, Richard J. Wells, and Andrew S. Garr, Esquires.

From his first residence in New York till his death, Mr. Haines courted every suitable occasion to exert his talents as a speaker. He doubtless considered eloquence as a mighty engine of usefulness and power, and in this view coveted its possession, rather than from any peculiar impulse of his genius towards the art.*

He often spoke in the "Forum", a society of young lawyers who met at the City Hotel for public debate; and that he took a prominent part in the society appears from the fact of his having been chosen to deliver the valedictory address at a suspension of their meetings in the spring of 1819. He was also frequently called upon to address public assemblies upon various topics which for the moment interested the community. He free-

* His speeches were in general well received, yet Mr. Haines was not remarkable for the grace of his manner, or the excellence of his voice. But he was animated and manly, and had an uncommon fluency of expression. His style was popular and declamatory, rather than purely forensic, and he was of course better fitted to address the passions and feelings of a mixed assembly, than to argue a dry question of law before a learned court.

ly lent his aid to the various institutions of charity and reform, giving without reserve to many of them his time, his labour, and his money. Benevolence, morality, and good order found in him a ready champion. He did not merely accede to a request that he would make an address, and satisfy himself with a slight preparation, or the utterance of a few extemporaneous remarks; but he retired to his chamber, and spared himself neither time nor pains in the investigation of his subject.

In general he wrote out the substance of his intended speech at length. As the views he took of his subject were large, his efforts of this kind never disappointed expectation, and were frequently honourable to his talents as well as to his good feelings. Among the topics of this nature on which he wrote and spoke with effect, may be particularly mentioned "Pauperism", and the "Penitentiary System." His useful exertions for the cause of humanity in relation to these subjects will be long remembered by those who witnessed them.

Whatever had for its object the improvement and prosperity of his adopted city or state, found in Mr. Haines a zealous supporter. His valua-

ble writings on the New York canals have already been mentioned. He was a trustee of the Free School Society, and an efficient labourer for the New York Agricultural Society, of which he was a manager. He took an active part in the efforts made in New York in 1823, for the regulation of the Auction System by congress. A very large meeting was convened at the City Hotel, embracing nearly three thousand persons, and Mr. Haines, at the request of a committee of merchants, made an address, which was published in all the daily papers, and afterwards in a pamphlet, and was considered as giving a brief, clear, and comprehensive view of the subject.

Although Mr. Haines shared in the public feeling on topics of practical interest, yet they did not call forth from him that ardent zeal, that untiring industry, which he devoted to political affairs. It has been seen that even before he came to New York, he was engaged in publishing a political journal, and that immediately on taking up his residence in that city, he became closely connected with the party which supported Gov. Clinton.

That gentleman, after having ably administered the government of the state for five years, found

it expedient to decline a contest for the office of governor in the fall of 1822. So complete was the triumph of the opposite party, that it seemed to many cool observers of the times, that Mr. Clinton's star had set, never to rise again. The majority which the opposite party could command was for eighteen months overwhelming. This period of darkness and despondency, when all the summer friends of Mr. Clinton deserted him, was honourable to the constancy and uprightness of Mr. Haines. Never forsaking his friends, but preferring, as he often remarked, to fall that he might rise with them, no man more thoroughly than himself and his friend Mr. Van Wyck despised the conduct of those, who shaped their language and principles to suit the political changes of the day.

It is but justice to affirm, that in honesty, firmness, independence and unchanging friendship, Pierre C. Van Wyck was not surpassed by any of ancient or modern times. He found a kindred spirit in Mr. Haines. Unawed by the storm of temporary unpopularity which assailed Mr. Clinton, they boldly declared, that a man of his genius and ability, although for a season thrown into obscurity by party strife and change, would sooner

or later be again called into public life and public favour. The event justified the sagacity of their prediction.

But the success of the Clintonian party was not achieved without an arduous struggle. Mr. Haines, encouraged and aided by a few ardent and determined spirits, carefully observed the progress of events, ready to take advantage of every favourable occurrence. Early in 1824, the party in power thought themselves sufficiently strong to be able to remove Mr. Clinton entirely out of public employment, and accordingly ventured to deprive him of the office of Canal Commissioner.

This was a fatal step. However easy it might be for the ruling party to justify measures of a general nature, differing from the policy before pursued by Mr. Clinton, it was impossible not to perceive in this instance an act of personal injustice to that distinguished man. If any one had been a zealous and consistent and persevering advocate of the great western and northern canals, under all circumstances, through evil report and good report, it was De Witt Clinton. He had for several years been one of the Canal Commissioners, and had most laboriously and faith-

fully discharged its duties, without any pecuniary compensation. It was natural, therefore, that there should be a universal outcry at the injustice of his removal. A meeting of the citizens of New York was called on this occasion, which from the vast concourse that assembled was obliged to leave the City Hall, and hold their proceedings in the park. Mr. Haines addressed this audience for about half an hour, and was heard with great applause. It is also worthy of note, that he was the only speaker on that occasion who could command the attention of the people.

Another very unpopular measure, of a general character, was adopted by the ruling party in refusing to alter the law regulating the choice of electors of President, when the alteration was loudly called for by the voice of public opinion.

This refusal deprived the people at large of the privilege of choosing electors, and retained it in the legislature. Mr. Clinton was known to have been uniformly the supporter of the district system, by which the choice is thrown upon the people.

The friends of Mr. Clinton did not fail to take advantage of these and other impolitic measures

of the opposite party and to vindicate the policy of their own leader. Mr. Haines was indefatigable in the pursuit of this object. He wrote incessantly for the newspapers, collected meetings, for which he prepared resolutions, and supported them by speeches, and in short, by a continued series of efforts was an efficient agent in producing and guiding a reaction of the public mind in favour of De Witt Clinton. He was among the first to propose, and the most strenuous to advocate the meeting of a convention at Utica for the purpose of recommending Mr. Clinton's re-election as governor, in opposition to the nomination of Col. Young, by a legislative caucus at Albany.

This convention met on the 21st of September, 1824. The Anti-Clintonians having succeeded in excluding Mr. Haines from the delegation of New York city, he obtained a seat in the convention as delegate from the adjoining county of Richmond. In this body Mr. Haines appeared to feel himself in his proper element. He had been mainly instrumental in procuring the meeting, and he now had the happiness to find himself seconded by a highly respectable assembly in which every part of the state was represented. When it is re-

membered that this convention was chiefly composed of men of mature years and long experience in affairs, the personal influence which Mr. Haines exerted is surprising. That a man so young, and who had only been an inhabitant of the state for about six years, should take so prominent a part as he did on that occasion, is no small proof of political talent and address. A violent effort was made to induce the majority to abandon Mr. Clinton. This occasioned a zealous defence of that gentleman by several members, and by none more warmly than Mr. Haines, who made two speeches of some length, in which he maintained the claims of his favourite candidate to public support with no little vigour and eloquence.*

* These speeches were shortly afterwards published by the friends of Mr. Clinton. The following short extract is a favourable specimen of Mr. Haines' style on such occasions.

"It was not every man who could preside over the affairs of a great commonwealth with competent ability. To guide the fortunes of a state filled with nearly two millions of people, animated by intelligence, and borne on by enterprise; to concentrate and direct her energies to

Opposition was silenced, and the result of the meeting was a unanimous recommendation of De Witt Clinton as the next governor of the state. The confidence of the convention in Mr. Haines was manifested in placing him on two committees appointed to carry their views into effect.

Mr. Haines had the gratification to see his efforts in behalf of Mr. Clinton crowned with triumphant success. That gentleman was elected

specific and salutary objects; to kindle her emulation, expand her views, and reveal her resources, and at the same moment to improve her civil institutions, cultivate her moral and social relations, and preserve her integrity and influence in the union, fell not to the powers of an ordinary individual. There was a great statesman in retirement. His character was untarnished, his spirit bold, his energies unbroken. His mind preceded the march of the age, and anticipated the views, the wishes, and the wants of posterity. His fame filled a great space, and would fill a greater one as prejudice lost its perverted vision, and envy and selfishness ceased to prosecute a vindictive war on worth and glory. The convention, by an informal vote, and by a large majority, had fixed its wishes on this statesman, and De Witt Clinton would be recommended as a suitable man to govern the state of New York." page 18.

governor in November, 1824, by a majority of thirty thousand. At the same election, his party in New York city and the numerous personal friends of Mr. Haines nominated the latter as representative to congress. Three tickets were in nomination at that time, and that which contained the name of Mr. Haines was not successful.

In January, 1825, Governor Clinton conferred on Mr. Haines the appointment of Adjutant General of the state, for which office he was well qualified by his knowledge of military law. But he was not destined to enter upon the discharge of its duties.

However engrossed Mr. Haines might be in local politics or professional business, he felt a warm and constant interest in the extension of correct principles of government and civil liberty. Prompted by this feeling, he commenced not long before this period a work explanatory of the nature and form of our government. This he intended principally as a political text-book for the statesmen of the nascent republics of our own continent, and, by the permission of General Lafayette the work was to be dedicated to him. He investigated the theory, and traced the practical operation of the fed-

eral and state governments. To make his work the more complete, he had obtained the promise of assistance from some of the most eminent men in our country. His own taste and course of reading were well suited to a work of this nature, and he pursued it with his accustomed zeal.*

But the labours in which he engaged were too severe for his physical strength. Intense study and continued sedentary habits were gradually but sensibly making fatal inroads upon a constitution originally good, and which had been sustained thus far by a life of the strictest temperance. His friends often warned him against the effects of midnight study and neglect of bodily exercise, but he used to reply that he did not require any relaxation. Their fears were too soon realized. In November, 1824, his whole system had become quite enfeebled, and he ruptured a

* As early as 1819, Mr. Haines had shown a leaning to investigations of this nature. At that time he published an "Appeal to the People of the State of New York, on the Expediency of abolishing the Council of Appointment." The Council of Appointment was abolished by the convention which met not long after.

blood vessel. He did not think himself in a dangerous condition, and continued to write and read with his usual industry. Even with his pulse at 120, he would devote hours to his book, which he was very desirous to finish.

By the mingled courtesy and independence of his conduct, Mr. Haines had attached to himself a large circle of friends; and now that he was confined to his room by sickness, he reaped the reward of a life of generosity, kindness and regular morals in their delicate attentions. Perhaps no man at his age has obtained such fast hold on the affections of this community. Offers of voyages to all parts of the world were made to him by our first merchants. But he declined them, flattering himself, as is so often the case with the victims of consumption, with delusive hopes of speedy restoration to health. So passed the winter, and continuing to decline in strength, he consented in the spring to make the experiment of a short voyage. In company with a friend, he sailed to Charleston, South Carolina, where many of the most distinguished inhabitants expressed their sympathy, and proffered their assistance. But the remedies and the relaxation, which seasonably re-

sorted to, might have recruited his feeble frame, had been too long neglected to afford him any relief, and he returned to New York weakened rather than improved by his voyage. He lingered till the 3d of July, 1825, when he expired, at the age of thirty two years. His funeral took place on the 6th, and was attended by an immense concourse of citizens. Military honours were paid to his remains, a respect due to the office to which he had been recently appointed.

Thus brief was the span of life allotted to Charles Glidden Haines. Too soon for the affection of his friends, too soon for his own fame, he has fallen on the field of honourable ambition. Some have supposed, that it was well for him to die so early, since they imagine that he would not have risen higher than he did had his life been prolonged. But it is not the usual fortune of industry like his, to let years go by unproductive of improvement and of honour. He might not have advanced with so rapid a pace as at first, but collision with others would gradually have removed any unpleasing points of character, experience would have given maturity to judgment, and persevering industry would have

overleaped obstacles which, to common men, seem insurmountable.

In person General Haines was tall, erect, and commanding. His features were large and regular, his forehead high, and his large blue eyes shone with the natural mildness and benevolence of his character. The principal feature of his mind was a restless ambition, which, however, aimed at noble objects, and by honourable means. His devotion to politics was almost a passion, and if talent may be estimated by success, he was well adapted for political life. Certain it is, that he seized with uncommon tact upon those circumstances which industry and zeal could render favourable ; and as he conciliated every man whom he approached, he accomplished as much by his personal influence as by his writings. There was, besides, in him, an enthusiasm which believed nothing impossible ; and to such a one obstacles are toys, and victory a pastime. More than all, and united with all, he possessed an indefatigable, systematic industry, which is the master key of all great acquisitions. All the operations of his mind were rapid, and he had a rare facility in embodying his thoughts

on paper. He was bold, prompt, and decisive in action. Those who have the originality to conceive great designs, are not in general found to possess the practical talent of developing their utility, and of carrying them into execution. Mr. Haines had the sagacity to seize on the best conceptions of other men, the diligence to gather important facts and circumstances in their support, and the activity and energy to turn them to practical account. His talents were eminently popular, and the qualities of his heart, as well as of his head, were calculated to make him a general favourite. For Mr. Haines was warm and constant in his friendship ; tenderly mindful of the claims of his parents on his affection and assistance ; generous to a fault, he was insensible to the wants of no one but himself ; polite and magnanimous, he never forgot what was due to the feelings of others. If he sometimes gave way to a momentary petulance, it arose rather from the hurry of affairs, and the impatience of a restless mind, than from any wish to inflict pain ; and if his carelessness of pecuniary matters was reprehensible, no one ever for a moment suspected him of being actuated by mean

or dishonourable motives. His frankness was not without vanity, and his zeal was not always tempered by judgment. But his integrity was beyond reproach, his independence of mind made him incapable of dissimulation, and his enthusiasm was devoted to worthy and honourable ends. If he did not rise far above ordinary men by the splendour of his genius, there was at least something uncommon in the loftiness and constancy of his purposes, to which he sacrificed the vulgar considerations of appetite and interest, and, finally, his health and his life.

Gen. Haines is a remarkable instance of what the unaided efforts of one man may accomplish. He came to the city of New-York a poor and friendless stranger, and in the short space of seven years he surrounded himself with numerous and valuable friends, acquired a distinguished reputation as a scholar, a politician, and a writer, and rose to one of the highest offices in the gift of the state government. Happy were it for the cause of benevolence, of education, of morals, and of civil liberty, if many were stimulated by the example he has given. He has been compelled to abandon to the competition

of others, a field in which he was preparing to reap the rewards of a youth consumed in unreposing industry. But he has not lived in vain ; he would himself have thought that he had not lived in vain, if the recollection of what he was should have the effect upon others to quicken diligence, and heighten enthusiasm, in honourable pursuits. The active employment, and premature termination of his life, furnish so striking a comment upon the words of the poet, that they might, not unaptly, be chosen for his epitaph :

Fame is the spur that the clear spirit doth raise,
(That last infirmity of noble minds,)
To scorn delights, and live laborious days ;
But the fair guerdon when we hope to find,
And think to burst out into sudden blaze,
Comes the blind fury with the abhorred shears,
And slits the thin-spun life ;—but not the praise.

John Gay

MEMOIR
OF
THOMAS ADDIS EMMET.

As the name of THOMAS ADDIS EMMET will hereafter be found in history, as he was intimately and very efficiently connected with the contemplated revolution of Ireland, and as he has told me many things about this interesting period of his life, during our residence at Washington in the same house, while attending the Supreme Court, I will reduce some things thus told, to form and shape—apprehensive that time and the pressure of other recollections of a more recent date may destroy them in my memory.

Thomas Addis Emmet is now (April, 1824,) fifty-nine years of age, as he informed me a few days since. He is at the bar, in the possession

of all his intellectual vigour; ardent, enthusiastic, and overwhelming.

Mr. Emmet was born in Ireland, I think in Cork, about 1765—ten years before the revolution which separated this country from the British dominion. I wish I could also say, by the permission of historical facts, ten years before the separation of Ireland from the British throne, and her liberation from British tyranny. He was educated at the university of Dublin at an early period of life, and designed by his father for the profession of medicine. He was accordingly educated with this view, and entered on his medical studies in Edinburgh, Scotland.* Here he was the fellow-student of Dr. Samuel

* Mr. Emmet's father was Robert Emmet, Esq. of Cork. This gentleman and his lady were both very competent to guide and develop the young mind of their son. They had it in their power to bestow upon him every advantage of education, and he was therefore instructed in the usual accomplishments of a gentleman, as well as in graver studies. He was quite fond of hunting, and was a very expert horseman. He used to say of himself, that he was an idle boy. Yet while at the University of Dublin, he cultivated the mathematics with

L. Mitchill, our distinguished fellow-citizen, who, as Mr. Emmet informs me, began then to display his eccentricities upon a small scale, though esteemed as a learned young man. Several other Americans were there at the same time, among whom were Dr. Rogers of New-York, and Gaspar Wisner of Philadelphia. In completing his medical studies, Mr. Emmet visited many of the most celebrated schools on the continent, and travelled into Italy, to the banks of the Tiber, and the city of the seven hills, and

some success, and appears to have made still greater proficiency in the classics. His time at Edinburgh was very industriously employed. He wrote a medical thesis in Latin at the time of taking his degree, which was published, and received high praise. He formed many interesting friendships at this period of his life. Among others, he became well acquainted with Mr. (now Sir James) Mackintosh, who was also a member of the University. This acquaintance was afterwards continued in London, when Mr. Emmet was a student in the Temple. A single fact puts Mr. Emmet's popularity with his fellow-students in a strong light, and that is, that he was at one time the President of no less than five Societies among them.

ED.

passed through Germany. At the termination of his studies, a desolating misfortune occurred to his family, by the death of his elder brother, a member of the Irish bar and a person of whom Mr. Emmet always speaks as one of the first men that Ireland ever produced.* This calamity changed the mind of Mr. Emmet's father as to the course of life previously designed for his son; and being determined to have one lawyer in his family he desired Thomas Addis to go to the bar, to which he cheerfully consented. He then went to London and read two years in the Temple, occasionally attended the courts at Westminster, and often heard Erskine in the noblest displays of his eloquence. From thence he returned to his native land, was admitted to the Bar, and commenced his practice in Dublin, the future scene of his fame and his sufferings.†

Mr. Emmet very soon rose to distinction at

* The name of this brother was Christopher Temple Emmet. ED.

† Shortly after his admission to the bar, in 1791, Mr. Emmet married the lady of whom mention is made in a subsequent page of this memoir. ED.

the Irish bar. He rode the Circuit, and commanded a full share of business and confidence. He was the Circuit and term companion of Curran, and even in Ireland, if I may credit the information of several Irish gentlemen, was his superior in talents, legal attainments and general information. But while fame and wealth were attending his ardent efforts at the bar, and the proudest seats of office and honour seemed not too high for his capacity and his aspirations, the gloom that overclouded his country—her long past sufferings—the dark and cheerless prospect that opened upon her destinies, engrossed the constant thoughts of all her patriots, and commanded the intense contemplation of every intelligent friend of his native soil. The French Revolution had burst forth on Europe like a volcano. It rent asunder the political relations which had endured for ages, tore up ancient institutions by the roots, and overturned the most arbitrary throne on the Continent, if we except that of the Emperor of all the Russias. It was hailed in Ireland as the day-spring of hope and freedom, and diffused over that green and beautiful Island, a silent but enthusiastic expectation of

deliverance. The keen hostility which subsisted between France and Great Britain, induced the former to cast her eyes on Ireland, although before and about this time many Irish agents of great talents and influence, had no doubt passed over to France, and urged her fluctuating Government to give countenance and aid to an entire Revolution in their country. Every pledge of support was made by the Government of France. The Irish patriots acted with great independence and prudence. They would not consent that France should have any control over, or any participation in, the future Government of Ireland. A certain number of troops were to land on the Irish coast and to be united with the patriot forces. The first man who opened negotiations with France appears to have been the unfortunate Jackson who was afterwards betrayed by Cockayne, the spy of the British government, and the pretended friend of Jackson. He wound his way into the unsuspecting heart of the latter, became his daily companion, went with him from London to Dublin, and finally convicted him of high treason the 23d April, 1795. His name will be detested

while an honourable feeling remains in the human bosom. Jackson was never executed. He took arsenic and fell down in the dock while the Ld. Chief Justice was pronouncing the sentence of death that followed his conviction. Mr. Emmet describes him as an amiable and excellent man; "a man," to use his own words, "possessed of distinguished talents and acquirements, and a high sense of honour." In illustration of this character for honour, Mr. Emmet informs me, that while Jackson was preparing for his trial, and while his fate was more than probable, a friend was admitted to his room in prison, and remained there on business till a late hour at night. Dr. Jackson, (for he was a Clergyman) conducted him to the outside door of the jail—expecting there to find the jailer, ready to turn the key. The key was in the door and the jailer in a profound sleep, probably intoxicated. His escape was now in his own hands. He first looked at his friend, then at the jailer, with an intense gaze. He became agitated and pale as he looked. After a pause of a moment, he said "No; I will not abuse the poor fellow's confidence in me!" he turned the key, opened the

door, resisted the advice of his friend, closed the door after him, awoke the jailer, and retired to his cell. Dr. Jackson's funeral was attended by a great concourse of respectable people, and his trial revived the hopes of Ireland which had recently been somewhat depressed in consequence of the internal dissensions in France. I say revived the hopes of Ireland—because it brought to light the fact, that France was determined to aid her in her contemplated struggle for freedom.

The next man who acted a conspicuous part as an agent for Ireland in France was Theobald Wolfe Tone. In 1792 he wrote a pamphlet under the signature of the "*Northern Whig*." This production was levelled against the popery laws, and was written to convince both Catholics and Protestants that the regeneration of Ireland must be preceded by religious toleration, and the release of the Catholics from oppression. Tone was a Protestant. His appeal spread through Ireland, and sunk deep in the heart of the Nation, and from that moment Mr. Tone became an object of tender regard to the Catholics, and though not of their religion he was again and

again selected by them to represent them in their Meetings and Conventions. Tone went to France, and in 1796 presented a Memorial to the French Directory. He had an interview with Carnot and Generals Clarke and Hoche at the Palace of the Luxembourg, and the aid of France to Ireland was agreed on. The pledges which I have mentioned, were then given, and the condition, the feelings, and the hopes of Ireland at that moment, will hereafter be swelled into a history, perhaps the most interesting of any in modern times. A great moral picture will yet be drawn by some master hand, and attract the contemplation of the world when enlightened by philosophy, and made free by the diffusion of light and knowledge.

When Theobald Wolfe Tone, and other distinguished ambassadors from the Irish people appealed to the aid of the French government, Ireland was well prepared for a complete political change and an introduction of a new government. Her condition, in this respect, presented a most auspicious and cheering state of things. It had been produced by a long chain of oppressions, and by a series of internal struggles.

too numerous to be recounted here. The revolution in Ireland was to have turned on the organization that grew out of the Societies of United Irishmen. There are various modes of originating and conducting a great revolution. Some revolutions may succeed without much previous system : the people rise up in a mass, and the work is done. Others again require long and patient antecedent arrangements. A plan, perfect in all its parts, is requisite. So it was in Ireland. Her oppressors were always present. Standing armies and the machinery of a foreign government were always present. Ireland, too, was torn in pieces by a thousand conflicting passions. Religious feuds had existed for ages. The nation was divided between Catholics and Protestants, and a deep gulf was between them. There were also some local prejudices, and a great disparity every where existed between the rich and the poor in every respect. Add to this, the night of bondage had scattered moral darkness over the country. Generation after generation had grown up in ignorance, and been urged on to fury by constant insult and oppression. Hence those who planned the revolution

of Ireland had much to encounter and much to accomplish, and posterity will stand astonished at what they did accomplish.

The Societies of United Irishmen originated in the end of the year 1791. Their object was the repeal of the Popery laws, and a reform, particularly including an extension of the right of suffrage among the Catholics. So says the memoir delivered to the Irish government by Messrs. Emmet, O'Connor, and McNeven, in 1798. These societies, it seems, did not at first contemplate a separation of Ireland from England; but in 1795 they were revived, and new ones formed upon a new basis. That basis was not specifically reform, but **REVOLUTION**. These societies reached all ranks of people, from what were once called the *defenders*, up to such men as Emmet, Curran, Tone, O'Connor, McNeven, and others of equal rank and talents. These associations, when a revolution, with all its incidents and with all its extensive relations, was seriously contemplated, were organized on a plan of secrecy. There was a test—an oath, the most solemn and sacred. Protestants and Catholics—all religious sects, forgot their preju-

dices and nobly rallied under one common standard—the standard of the nation. All their feelings, all their wishes, all their hopes, were for Ireland. Her freedom, her honour, her glory, and her prosperity, claimed all their thoughts and all their devotions. Gold was nothing—titles were nothing;—Ireland, Republican Ireland was every thing. It was necessary to bring these Societies to act on any one point that might be thought essential. The spies of the British government watched and reported every thing that met their view. Great circumspection was therefore requisite. The leaders of the intended revolution therefore produced a complete organized system among these associations. This system consisted of committees, going from grade to grade. There were four orders of committees—the baronial, county, provincial, and national committees. Ireland, as a nation, may be said to have a religious disposition. When the solemnities of religion were therefore resorted to secure secrecy, it was a resort that proved effectual. Neither Catholic nor Protestant forgot the declaration that ap-

pealed to an approving God, and to the retributions of a future world.

Towards the latter end of the year 1796, the societies of United Irishmen had spread over Ireland, and then exhibited, in addition to the divisions already mentioned, two departments—the civil and the military ; although these two departments were very much blended in appearance, to prevent the communication of alarm and suspicion. In 1798, there was appointed a military committee to prepare a plan of military operations.

The civil department consisted of the four grades or classes of committees already stated ; the baronial, county, provincial and national. Secrecy and concert being essentially requisite to success, large assemblies were avoided. No society could exceed the number of thirty-six. When it amounted to this number, it was divided into two societies of eighteen members each. These again went on until they amounted in number to thirty-six, and were then again divided. Each Society had its delegates, consisting of three. When any district or barony had three or more societies, three delegates

from each society met together and constituted a barony. When any county embraced three or more baronies, there was a county committee ; and when two or more counties had committees within the boundaries of any one province, there was a provincial committee. Last of all, five delegates from each province composed the national committee. After all this organization, and at the head of it, there was an Executive Committee. All these several committees, excepting the last, were elected once in three months, and by ballot. What was done in the most subordinate committee, was communicated to the next highest, and that committee again reported to the next in the ascending line, and so the communication went on until it reached the national committee ; but information seldom went down ; secrecy and despatch condemned such a policy. Here, as Mr. Emmet has often remarked, there was a complete representative system. In all these societies, the Irish people, to the amount of half a million, or more, were constantly brought together in small bodies, to discuss, to vote, and to deliberate. The whole presented one grand system of order

and subordination, in which the people, Catholics and Protestants, acted together, regardless of ancient feuds and prejudices. The funds of the societies throughout Ireland were raised by monthly subscriptions, and there was a national treasury.

The military department was organized about the year 1796, and was in its structure a government somewhat like the civil department. Those United Irishmen who composed the one, of course composed the other. All officers to the rank of a colonel, inclusive, were elected ; all above, appointed by the executive. Thus the several societies were erected into an immense military force, and each man was directed to furnish himself, as far as possible, with arms, ammunition, and every species of articles necessary to offensive or defensive war.

The executive committee acted an important part, and appointed a military committee to prepare a system for defence and attack, and transmitted intelligence and recommendations down through the various societies whenever it thought proper, and constantly received reports from the civil and military departments.

Mr. Emmet acted a conspicuous part in this grand organization, which may well be termed a national political system. He acted as one of the Executive until the period of his arrest and imprisonment. He calculates that the different societies of United Irishmen consisted of at least five hundred thousand men, and that Ireland could have sent forth three hundred thousand warriors for the advancement and security of Irish freedom.

The fidelity of the Irish people in the organization and in all the transactions of this provincial system of government, was most astonishing. Perfect faith every where prevailed. Men died on the rack and expired beneath the pains of torture, and still they would not reveal secrets to the spies and ruffians of government. And yet many of these men were of the lowest order of Irish. Take the humblest ranks of Irish society, and they are the most intemperate people of Europe; and yet on a single recommendation of the Executive Committee, they suddenly abstained from the use of ardent spirits throughout all Ireland.

I have already alluded to the prudence of the Irish patriots in not calling a large number of

French troops. Ten thousand men, forty thousand stands of arms, and a loan of five hundred thousand pounds, constituted the requisition on the French government.

Considering all things—the moral and physical strength of Ireland—the extensive organization alluded to—the union of the Irish people without regard to creeds or faith—can we wonder when full representations were made to the new government of France, that the cause of Ireland should have commanded promises of support? And can we wonder at the feelings, the calm ardour and determined firmness of the Irish nation? The melancholy fortunes of their country continually passed before their eyes in gloomy retrospect. For seven hundred years their beautiful isle had been the victim of ruffian violence and ceaseless oppression. Age after age had rolled on, and darkness and bondage covered her face. Other nations had shaken off their chains and marched forward to independence, to wealth, and to happiness. Great and general revolutions had shaken the world; the reformation, which swept away what Mr. Burke eloquently called “the vast structure of

superstition and tyranny, which had been for ages in rearing, and which was combined with the interest of the great and of the many; which was moulded into the laws, the manners, and civil institutions of nations, and blended with the frame and policy of states,"* brought home no regenerating principles to Ireland. America, unknown when Ireland was first a colony, had nobly erected her standard and fought her way to freedom; England had undergone more than one revolution, and materially changed the constitution of her government; France had now roused from her long slumbers and proclaimed freedom among the nations of the continent, and extended the hand of friendship and the proffer of deliverance to the people of Ireland. Is it to be wondered at, then, that an enthusiastic desire to assume a station in the society of nations should have animated her daring and gallant sons? They cast their eyes over their country, containing more than five millions of population, blessed with a genial climate and a fruitful soil—with noble

* *Vide* Speech on the Bristol Election, (1780.)

harbours, spacious rivers, rich mines, a capacity for manufactures, and an extensive commerce with all the world; they called to mind her poverty, her ignorance, her misery; more than forty millions of dollars wrung annually from her resources by a foreign government; a church forced upon nine tenths of the people, who resisted and were still constrained to pay tithes to support that church; out of three hundred members of the Irish House of Commons, to represent the whole people of Ireland, two hundred elected by thirty or forty individuals; popery laws, that precluded the youths of nine tenths of the population from early education and the halls of the universities, and the parents of those children from the bar, the bench, the legislature, the magistracy—from every seat of power, honour and responsibility—these things they called to recollection, and they were not all. The genius, the valour, and the fame of the great men of Ireland appealed to the pride of the Irish people. They knew what Ireland had been, they knew what she was, and they looked forward to what she might be—elevated to her proper rank in the scale of empires, a

broad representative system of government in full operation, great men watching over her interests at home and in foreign courts, the legislature open to talents and to a noble ambition; the bar presenting a splendid theatre of competition, and embracing the sons of the Catholic and the Protestant; her navy and her armies made glorious by Irish valour exerted in the cause of Ireland; her intellectual greatness unfolded by the triumphant cultivation of the arts and sciences; her physical powers and her natural advantages fostered by enterprise and industry; her wilds, her morasses, and her mountains made glad by civilization; and peace, security and comfort every where diffused. Was it not natural, when they looked at all this, that their souls should have panted for war against their oppressors? That they should gladly have followed the example of the United States, and contended with the aid of France?

Such were the views of Thomas Addis Emmet. He began in the cause of Ireland as a patriot, he acted in her cause as a patriot, and he suffered as such. Had he chosen to pursue the road to power, to wealth, and to ambition,

he would have joined that abandoned phalanx, composed of such men as Lord Castlereagh, Lord Clare, the Beresfords, and their associates in apostacy and guilt, and sought elevation by augmenting the misery and sufferings of his country, to secure the smiles of the British court. He was not one of them. He thought, and with reason, that the day had come when his country could be taken into the family of nations, and run her career, rejoicing. He hailed the temper and spirit of the age, and rejoiced in the tone which was communicated to public opinion by the French revolution. He thought with Mr. Grattan, in his speech in the Irish House of Commons on the Catholic question, when he anticipated a change of times and a regenerated state of things. "Believe me," said the great orator, "you may as well plant your foot on the earth, and hope by that resistance to stop the diurnal revolution which advances you to that morning sun which is to shine alike on the Protestant and Catholic, as you can hope to arrest the progress of that other light, reason and justice, which approach to liberate the Catholic and liberalize the Protestant.

Even now the question is on its way, and making its destined and irresistible progress, which you, with your authority, will have no power to resist; no more than any other great truth, or any great ordinance of nature, or any law of motion, which mankind is free to contemplate, but cannot resist : there is a truth linked to their cause, and a justice to set off the application.”*

French connexion proved fatal to the revolution of Ireland. French fidelity and the adoption of sound policy would have made Ireland free. For my own part, my astonishment is, that France should have been relied on so much. Ireland, it is true, was destitute of the requisite arms and funds, and her people wanted a pillar to lean on—a dernier hope beyond their own resources; and after promises were once tendered by France, it is natural to suppose that great reliance should be placed on her support. But three hundred thousand fighting men presents a most formidable number, or even one hundred and fifty thousand. [Mr. Emmet, as before remarked, estimated the army of United Irish-

* Speech in Irish House of Commons, 1792.

men at three hundred thousand.] It is not probable, however, that more than one third of the number had arms. In addition to the supposed military force, Mr. Emmet says that a very considerable portion of the British fleet would have been brought into the ports of Ireland by the Irish sailors, had the revolution been once vigorously commenced. The plan was concerted to effect this object. Had Ireland never relied at all on France, I have always apprehended that her prospects might have been better realized. The French, however, having once promised, the reliance on this promise more or less embarrassed every thing.

The course pursued by France is recorded in history, and well known. She held out fair promises, but never acted with any system or resolution. The landing at Killala was a miserable effort. In fact, France did nothing for Ireland, but leave a curse on her deserted and fallen fortune on account of French alliance. When Napoleon became the head of the French nation, he left all beaten paths and acted for himself. Whatever he might have thought of Ireland, he thought more of Napoleon, and his

expedition to Egypt carried to the banks of the Nile the forces once designed by others for the liberation of Ireland. So thinks Mr. Emmet. He pronounces him the most overwhelming foe that Ireland ever had. A great man—a man of vast and comprehensive views, and every way hostile to England—it is somewhat singular that he should not at once have perceived the policy of palsyng her right arm, Ireland. But the expedition to Egypt, and perhaps the hope of passing from Africa to Asia, captivated his daring and romantic ambition. From the beginning of his eventful and astonishing career, he perfectly understood the genius of the French people. He knew their passion for show and splendour; their love of marvellous achievements; their national pride and their fondness for glory. To march the armies of France to the land of Sesostris and the Ptolemies—to erect the banners of France amid the ruins of Thebes—to carry the eagles of the Republic to the country of the Mamelukes, were exploits well calculated to delight and inflame the imagination of a bold, gallant, and gay people, and to encircle the name of Napoleon with a kind of oriental fame, not

gained in the plains of Italy. To Egypt, therefore, Bonaparte decided he would go; and whether the cause of human freedom, and the interests of civil and religious liberty gained or suffered by the movement, was not to him a matter of moment.* A force that might have conducted Ireland to independence was led to the sands of Africa, and that too without any one solitary advantage of a national or general character, if indeed we except the promotion of the arts and sciences on a magnificent scale. Ireland was left to her fate, and such men as Mr. Emmet and his compatriots, to mourn over her calamities. After a short struggle in the

*The author is believed to have mistaken the views and wishes of Napoleon. The expedition to Egypt is generally supposed not to have been urged, nor even willingly acceded to by him, but to have been suggested by the jealousies and fears of the French Directory. His ambition had become formidable, and he was sent to the banks of the Nile and to the pestilential climates of the East, in order to put him out of the way. As the expedition terminated, it promoted the schemes of Napoleon, and hastened his elevation to the imperial throne.—ED.

field, and after a few scattering and ineffectual insurrections, in which perished some of the noblest spirits that Ireland ever saw, the patriots were vanquished, and the soul of the nation sunk within her. There was the end of Ireland's hopes, at least for generations. France, under the guidance of Napoleon, sought the conquest of Europe, and England was left to crush to powder her sister isle.*

* The plans of the revolutionists were discovered by the treachery of one Thomas Reynolds, of Kilkea Castle, in the county of Kildare, who had been so much in their confidence as to be colonel of a regiment of United Irishmen, and provincial delegate from Leinster. In consequence of the information he gave, Oliver Bond, a rich merchant of Dublin, and twelve others of the leading conspirators, were arrested at Bond's house, on the 12th of March, 1798. Other influential friends of the revolution were arrested about the same time. In these arrests were included Mr. Emmet and Dr. Macneven. Shortly after, Lord Edward Fitzgerald, the young nobleman who was selected to lead the military movements of the insurgents, was discovered in Dublin, and taken prisoner; but not till after a desperate struggle. In the course of it, he received a wound in the shoulder, of which he died in prison a few days after.

I am not writing the history of Ireland. I am merely touching the most conspicuous scenes in the life of a great man. After the intended rebellion was discovered and frustrated, the most atrocious cruelties were perpetrated—acts well

The chiefs of the conspiracy being thus put out of the way, the management of the revolutionary councils fell into the hands of less competent men. British agents wound themselves into the confidence of members of the new directory, and before the 23d of May, the day appointed for the general rising, government had obtained sufficient intelligence to meet and counteract the plans of the revolutionists. After some partial and ill-conducted efforts in the counties of Wexford and Wicklow, the insurgents were utterly routed at the great battle of Vinegar Hill, by the army under the command of Gen. Lake. The rebellion may be said to have been completely crushed by the middle of July.

After the United Irishmen had abandoned in despair, for a time at least, all plans of insurrection, a French force, about eleven hundred strong, at length landed at Killala, in the northwest of Ireland, on the 12th of August. But it was too late for any purpose of aid or succour, and Gen. Humbert was compelled, in less than a fortnight, to surrender at discretion to Lord Cornwallis. Thus ended the hopes of Irish independence.—ED.

calculated to find a parallel and precedent in the bloody scenes of barbarity committed by the Goths, the Vandals, and the Alemanni on the fall of the Roman empire, and related in the pages of Gibbon and the notes of Robertson. Mr. Burke, Mr. McIntosh, and other celebrated men have racked their imaginations to find terms of abhorrence commensurate with the cruelties that stained the revolution of France ; and yet they have not presented any thing more than an adequate view of the horrors which took place. But I defy any thing in the atrocities of French history to exceed in cruelty what happened in Ireland. Massacres in cold blood—house burnings—military executions—whole districts depopulated—tortures—flagellations, submersions, and imprisonments, appeared on every side. Among the illustrious victims of vengeance, the name of Thomas Addis Emmet maintains an exalted place. Without any specific allegation, or any overt act of treason, he was cast into prison and never again permitted to enjoy his personal freedom in his native land. Mr. Emmet and several other state prisoners were confined in the prison of Kilmainham,

in Dublin. He had acted throughout the rebellion with extreme caution. He had abstained from every thing that could render him liable to legal consequences, and in fact was not peculiarly obnoxious to government. His own remark is, that in a grand revolution there must be a division of labour. There must be some to speak, some to write, some to plan, and many to execute. Hence, Mr. Curran, though decidedly for the revolution, was never a United Irishman, and never met with any of the societies. He was the speaking man. On him devolved the duty of defending the patriots at the bar. Mr. Sampson, now in this country, was one of the writing men. Mr. Tone, Mr. Rowan, and others, were employed in the same way, though Mr. Tone was otherwise active. Mr. Emmet was one of the executive, and much a cabinet man. On my asking him why he did not appear conspicuous in the state trials, he answered that it was thought most prudent that he should avoid thus rendering himself a particular victim of persecution. His agency was very active and extensive, and a bold stand at the bar might have produced scrutiny and detection. Mr.

Curran was therefore the man fixed on. When Archibald Hamilton Rowan was arrested, he sent for Mr. Emmet to defend him. Mr. E. declined, from motives of policy. Mr. Rowan pressed him to undertake his cause, and even fell on his knees in the course of his earnest solicitations. Mr. Emmet adhered to his resolution, and who does not remember the speech of Curran! Had Irish eloquence no memorial but this; was this a solitary type on the globe, she could lay a triumphant claim to immortal renown.

Mr. Emmet was now a close prisoner in Dublin, and he says that he has a perfect idea of Sir Hudson Lowe as the jailer of Napoleon. He so resembles his own jailer in a thousand particulars, that he can realize and believe all that Napoleon has dictated on the unfeeling and ruffian deportment of the governor of St. Helena. Mr. Emmet relates many anecdotes of his imprisonment. Twenty of the patriots were confined in one jail—each having a separate room. They contrived to gain the confidence of one of the subordinate keepers, and every night about twelve o'clock he was induced to unlock the

door of each room and permit them to come together. They assembled in a common hall, on each side of which the cells were situated, and here they conversed till nearly light, when they returned quietly to their rooms. Their object was conversation—something to beguile the tedious hours of night. They stood up or sat down on the bare floor, and felt happy in the enjoyment of such a privilege. Their doors were locked after them as they returned to their apartments. Mr. Emmet was at this time connected with his present wife, whose superior character and ardent affections will more than once appear in the narrative of her husband's sufferings. Soon after his confinement to the walls of the prison, she was permitted to visit him. The room in which he lived was about twelve feet square. She declared, when once admitted, that she would never leave it but with her husband. The servants of the government ordered her in a peremptory manner to leave the prison, but she as positively refused. Force was not resorted to; but it was ascertained that the keeper had orders if she ever left the room, never to permit her to return, it being natural

enough to presume that an opportunity of locking her out would soon occur. But such a presumption was ill founded : she remained in the room for twelve months, and left it but once, and then under peculiar circumstances. Her child, then at Mr. Emmet's father's, was taken sick, and dangerously ill. Information was communicated to Mrs. Emmet ; but how was she to go ? She appealed to the mother of children, to the jailer's wife, and at the hour of midnight she let Mrs. Emmet out of her cell, and conducted her through the jailer's apartments to the street. She visited her child, remained till the next night, and returned by means of the same sympathy. As she was on the point of entering Mr. Emmet's room, one of the keepers discovered her ; but it was too late. She never availed herself of the same permission again. During her absence, Mr. Emmet's room was frequently visited ; the curtains around the bed were closed, some bundles of clothing were put in the bed, and the keepers desired to step very softly, and not to disturb Mrs. Emmet when afflicted with the head-ache !

After Mr. Emmet and his companions in a no-

ble cause, had remained in prison some months, and the British government had extended the work of extermination over the island and the executioners became weary; after he and Mrs. Emmet had been confined in a room of twelve feet square that overlooked the dock from which the unhappy victims of the revolution were daily taken for execution; and after most of the chiefs of the patriots had surrendered, and the battles of New Ross, Arklow, and Vinegar Hill had been lost, the venerable Lord Charlemont, without any solicitation on the part of the prisoners, meditated a plan of retreat for those in confinement, and a conciliation to arrest the work of massacre and death. The intended revolution was crushed, and nothing remained to conquer. Mr. Francis Dobbs, a member of parliament, a man of humane feelings, and a friend to the government, visited the prisoners in their respective rooms, and avowed his wish to facilitate an arrangement equally advantageous to the government and to the revolutionists. Every thing had failed, and hope was extinguished, at least for a season. The state-prisoners therefore were anxious to arrest the

tide of misery that was every day swelling, and which had already overspread the country like a flood. They reciprocated the wishes expressed by Mr. Dobbs, and soon after they were visited by Mr. Secretary Cook. Lord Cornwallis had now assumed the government of Ireland, and much was hoped from his clemency. When Mr. Secretary Cook visited Dr. McNeven in the prison of Kilmainham, a man of whom I shall particularly speak in the course of this memoir, he, with a bluntness and independence peculiar and honourable to his character, informed the secretary that he would have nothing to do with negotiation unless the prisoners had the pledge of Lord Cornwallis himself. When Mr. Cook retired, Mr. Emmet, Dr. McNeven, and Mr. Sweetman held a consultation, and it was agreed to open a conference with Lord Castlereagh, then the minister of Ireland. In the course of these steps it had been mutually contemplated, that on the one hand, government was to stop the effusion of blood ; on the other, that the prisoners were to reveal the main features of the intended revolution, and state the extent and nature of the intended connexion

with France ; but names were not to be demanded or given under any circumstances. Before any interview had taken place between the prisoners and Lord Castlereagh, Mr. Dobbs again visited the prisoners and stated that the government would demand *names* ; then, said the prisoners, there's an end to the negotiation ; our friends shall never be exposed by any disclosure of ours.

The government then gave up the hope of obtaining names. The prisoners were permitted to have some intercourse, and they unanimously appointed three agents to act on their behalf—Mr. Emmet, Dr. McNeven, and Mr. O'Connor—he who first distinguished himself in 1795, by his bold and unexpected speech in the Irish House of Commons, on the Catholic question. On the 29th July, 1798, Mr. Emmet, Dr. McNeven, and Mr. O'Connor had their interview in Dublin Castle with Lord Castlereagh, Lord Chancellor Clare, and Mr. Secretary Cook, and entered upon what is called the treaty of 1798. Lord Castlereagh then proposed that an arrangement should be made, stipulating for the disclosure of names. The deputies pe-

remptorily refused to accede to any such proposal. A general amnesty, embracing all those implicated in the intended revolution, excepting such as were guilty of murder or conspiracy to murder—a description of men never included among the patriots, was then agreed on, and the faith of the government plighted. It was then mutually agreed that the state prisoners should go to the United States. On their part, the prisoners pledged themselves to make disclosures of the intended alliance between the United Irishmen and France, and give other information connected with the intended revolution of Ireland. The deputies did nothing but what was sanctioned by all the state prisoners in the three prisons of Dublin, viz: Newgate, Bridewell and Kilmainham. On the 4th August, 1798, Messrs. Emmet, O'Connor and McNeven delivered a memoir to the government, presenting the promised disclosures. With this, Lord Cornwallis was dissatisfied, as it contained, according to his views, a vindication of all the acts of the United Irishmen. The deputies refused to alter it. The Anglo-Irish ministry then resolved on the parol examination of the depu-

ties. This it was thought would afford an opportunity for perversion and prevarication. Mr. Emmet and the other deputies were accordingly examined in connexion with other prisoners, before the secret committees of both houses of the Irish Parliament. These examinations were committed to writing, and Mr. Emmet's bears all the strong features which now mark his character. He boldly avowed his agency in the intended revolution, and vindicated his acts. He said that Ireland was driven by oppression to think of revolution ; that she had all the resources necessary to constitute her a powerful and happy nation ; and that the measures of the British government would, sooner or later, drive her to separation. Lord Chancellor Clare remarked in the course of the conversation, that Ireland could not exist free and independent, and used the following words : " Well, I cannot conceive the separation could last twelve hours." Mr. Emmet replied : " I declare to God, I think that if Ireland were separated from England, she would be the happiest spot on the face of the globe." At this, says Mr. Emmet, the committees seemed very much astonished. " Pray,

Mr. Emmet," said the Lord Chancellor, "what caused the late insurrection?" Mr. Emmet replied, "the free quarters, the house burnings, the tortures, and the military executions in the counties of Kildare, Carlow and Wicklow." Sir J. Parnel, one of the committee, said to Mr. Emmet, "while you and the executive were philosophising, Lord Edward Fitzgerald was arming and disciplining the people." Mr. Emmet replied, "Lord Edward was a military man, and if he was doing so, he probably thought that was the way in which he could be most useful to the country; but I am sure, that if those with whom he acted were convinced that the grievances of the people were redressed, and that force was become unnecessary, he would have been persuaded to drop all arming and disciplining." Mr. J. C. Beresford said, "I know Lord Edward well, and always found him very obstinate." Mr. Emmet replied, "I know Lord Edward right well, and have done a great deal of business with him, and have always found when he had a reliance on the integrity and talents of the person he acted with, he was one of the most persuadable men alive;

but if he thought a man meant to deal dishonestly or unfairly with him, he was one of the most obstinate of beings." Mr. French, one of the committee, asked, "Mr. Emmet, can you point out any way of inducing the people to give up their arms?" The reply was, "by redressing their grievances, and no other." Mr. Emmet expressly stated to the committee, that a complete provincial government for Ireland had been prepared for instant adoption, by the friends of the revolution, and that Ireland would have passed from oppression to independence and order. The character of Lord Edward Fitzgerald, spoken of in the examination alluded to, will be dear to the friends of Ireland while the ocean breaks around her shores. He was brave, gallant, noble and accomplished—a soldier and a patriot; a man calculated to lead the armies of Ireland to victory and to independence. He fell a martyr to her cause, and the memory of his virtues mingles in the dearest affections of his unfortunate country.

After the compact was formed and sanctioned by Mr. Emmet and his coadjutors on one

side, and the British government on the other, the most gross and malicious falsehoods were propagated on both sides of the channel by the tools and implements of a tyrannical and abandoned government. It was said and published in a thousand ways, that Mr. Emmet, Dr. McNeven, and Mr. O'Connor had betrayed their associates in the revolution, and given up their names. These three persons were then in prison, at the mercy of the government, defenceless and unprotected. The base calumnies put in circulation soon reached their ears by means of friends beyond the prison walls, and they unhesitatingly did an act that reflects the highest credit on their courage, firmness and independence. They wrote a palpable and flat contradiction of the slanders which had been fabricated. They stated that the report of their examination had been distorted, and denied ever having revealed a single name by which any individual could be implicated. This advertisement was signed and published on 27th August, 1798, in two of the Dublin newspapers. This bold and unlooked for act threw the government in a rage. The most vindictive feel-

ings were manifested towards the prisoners. Mr. Emmet and his two compatriots were cast into close prison, and all intercourse prohibited between them and their friends. It was proposed in the Irish House of Commons to take them out and hang them on the gibbet without a trial. This was the proposition of Mr. McNaghten, Francis Hutchinson, and Cunningham Plunket.

It will be recollected that according to the contract between the Irish ministry and Mr. Emmet, Mr. O'Connor, and Dr. McNeven, the prisoners then in confinement were to be permitted to emigrate to the United States. On the 16th September, 1798, Mr. Marsden, Under Secretary for Ireland, informed Mr. Emmet and his fellow-sufferers, that Mr. King, the American Minister, had remonstrated against their sailing for America. Dr. McNeven boldly denounced the whole matter, as a base subterfuge to prolong their imprisonment, and excuse the British government in breaking a solemn treaty. Be this as it may, the British government did basely break its word and forfeit its promise made in the most solemn and sacred manner.

The prisoners were not permitted to embark for the United States, and did not embark until they had passed through a long imprisonment in another quarter of the British dominions. Perhaps no spot in the annals of England is more black than this. It displays a cool, determined, deliberate act of treachery, disgraceful to an individual however obscure, and more disgraceful to the government of a powerful nation.

The period now drew near, when Mr. Emmet was about to leave Ireland forever. After being detained a prisoner in Dublin for about twelve months, and without the least previous notice, an order came that Mr. Emmet and twenty more of the prisoners must prepare to leave Ireland the next morning at 4 o'clock. By the kindness of the jailer's wife, information of the order was communicated to the family of Mr. Emmet. That evening his sister paid him a visit. The meeting and the parting were such as the imagination easily suggests. She was the last of Mr. Emmet's kindred that he ever beheld, and she was destined to an early grave, after his departure from the land of

his birth.* At a late hour at night she received the parting blessing of a brother dear to her heart, and one around whom the most tender feelings of her heart were centered. Alone and unprotected—leaving her brother for a fate beyond the apprehension of either of them, she displayed a trait of character which should alone rescue her name and her virtues from oblivion. She took a carriage, and late as it was, repaired to the house of the Lord Lieutenant. Alone and unattended, she introduced herself, and found him and his lady alone. She made known her business. She came to inquire for the impending fate of her brother. Where was he to be sent? Was he to be doomed to the scaffold, or forced into obscure and lasting exile on some dreary coast? Her application, her affection for an unfortunate brother, her manner and her accomplishments, overcame the governor and his wife. They both

* This is not strictly correct. He met his brother Robert at Amsterdam in 1802, shortly before the latter returned to Ireland and engaged in the unfortunate enterprise which ended in his execution.—ED.

shed tears, and treated her with the kindness and delicacy that spring from sensibility and feeling. He said he would tell her all that a regard for duty would possibly permit. The destined abode of her brother he could not mention ; but this he could say, no harm would occur to him. He would be treated with liberality and honour, and was only to be removed to a place of safety. News had arrived that the French were to make a descent on Ireland : her brother and nineteen more were therefore to be removed from Dublin and kept as hostages. This satisfied Miss Emmet, and she returned to her father's house.

At four o'clock the next morning, Thomas Addis Emmet beheld Ireland for the last time. He left behind him a father, beloved and revered ; a sister, whom I have already mentioned ; and a brother, whose fate will never be read without a tear from the generous, and whose last speech presents one of the most dignified and rich pieces of eloquence that any language can produce, whether we look to its elevated and manly tone of feeling and sentiment, or to its appeal to the most moving pas-

sions of our nature. They died soon after his departure.

Mr. Emmet and his fellow prisoners were landed in Scotland, and imprisoned in Fort George.* Here they were confined for three years. Mrs. Emmet was permitted to join her husband, and never left him afterwards. During his confinement here, Mr. Emmet wrote part of an essay towards the history of Ireland, which was printed in New-York in 1807, and deserves to be more extensively known. It displays great vigour of thought, clearness of conception, and elegance of language, and will one day be read with great avidity and delight. Amid all his troubles, his mind remained firm and unbroken, full of vigour and industry:—

*Exilium causa ipsa jubet sibi dulce videri,
Et desiderium dulce levat patria.*

Of his residence at Fort George, Mr. Emmet relates many anecdotes with great ease and ap-

* This is a fortress in the county of Nairn, in the northeastern part of Scotland, on Murray Frith. Mr. Emmet and his companions were transferred to this place early in 1799.—ED.

parent pleasure. Governor Stuart, an invalid officer, who had served abroad, commanded at Fort George during the whole residence of the Irish patriots in that place. Mr. Emmet speaks of him with enthusiastic regard. By a conduct at once noble, generous, frank and polite, the governor endeared himself to all the prisoners; and his death, which occurred a few years since, was heard of with regret by all who had known him. He told them when they arrived, that they were gentlemen, and so he should treat them; and so he did treat them on every occasion. He set an example and gave a tone to the whole garrison—even to the lowest private soldier. Whenever the prisoners wished to go beyond the fort and requested permission, the answer was always the same from Governor Stuart; you go on one condition—your parol of honour; I take the responsibility, and place my character for fidelity in your hands. The prisoners wished to bathe in the sea. Vessels were constantly at anchor or hovering on the coast, and when once on the shore, which was considerably outside the fort, any prisoner might have swum to a French or

American vessel and escaped. When the prisoners requested permission to enjoy the sea waters and the surf, Governor Stuart told them the consequence of his granting their request if any complaint should reach the government. But, said he, "go;—I trust to your honour." And where was the prisoner who would have escaped? "As soon," says Mr. Emmet, "would we have committed suicide." When Mrs. Emmet joined her husband, every delicate attention, consistent with a military government, was paid her by Governor Stuart. He sent a message to Mr. Emmet, that he was at liberty to accompany his wife to any distance from the fort which she chose to visit, and on her visits to the families residing in the neighbourhood, Mr. Emmet could always escort her. Mr. Emmet wrote him a note, that if this indulgence came from the British government, he could not consistently embrace it; if from Governor Stuart himself, it would give him sincere pleasure to accept of his kind offer. Governor Stuart wrote a note in answer, that it was his own proffer, and it was gladly accepted and enjoyed. On all gala days, Governor Stuart remembered

his prisoners, and they were treated with every thing the country could afford.

After the expiration of three years, the British government concluded to discharge the prisoners from Fort George, and end their sufferings. A correspondence was opened with Governor Stuart, and after every thing was arranged, a list of pardons was sent him; and here occurs an incident which deserves to be remembered in the life of Mr. Emmet. The list of pardons came, including every prisoner's name but his own. Governor Stuart sent for him, and with evident emotion told him the fact. For Mr. Emmet there was no pardon, and he was doomed still to remain a state prisoner. Neither Governor Stuart nor Mr. Emmet could divine the cause of this want of lenity in his case. After a moment of deep reflection, silence and anxiety, Governor Stuart said in a decided tone, "Mr. Emmet, you shall go; I will take all hazards and all responsibility; you shall go to-morrow with the rest of the prisoners, and I will stand between you and the government!" The next morning Mr. Emmet left the shores of Scotland, associated with many

painful and some pleasant and grateful recollections.

I have thus particularly named Governor Stuart, because he displays a character worthy of the warmest admiration. Happy would it have been for poor Napoleon, had such a man been the Governor of St. Helena. The commander of Fort George was a personage fit for the days of chivalry, when bravery was blended with refinement of feeling and the most generous sympathies of human nature. He had been a gay young nobleman, and expended an elegant fortune in the enjoyment of pleasure and amusement. He died old, and never suffered for permitting one of the greatest men that Ireland ever produced to regain his freedom and establish a lasting fame on another continent.

Mr. Emmet with his lady and the other nineteen prisoners were escorted to the frigate which was sent to convey them to the continent of Europe, with waving banners and joyful acclamations. It was a kind of triumphal procession, in which officers and men, subjects and rulers, all joined ; for there was no feeling to-

wards the prisoners at Fort George, but love, sympathy and good will. All rejoiced in their liberation. Mr. Emmet went to France, where he remained some time. Of the particulars of his residence there, I am not in possession. His health was considerably impaired, and it is probable that he did little more than recover his health and reclaim a shattered constitution. There was no hope of doing any thing more for Ireland, and he turned his thoughts to the only secure refuge from oppression—the United States.*

In 1804, we find Thomas Addis Emmet a resident of our own country. He now moves on a new theatre, and occupies a wide space in

* On their liberation from Fort George, Mr. Emmet and his family were landed at Cuxhaven, on their way to Hamburg. They left that city and passed through Holland, visiting Amsterdam and Rotterdam, and spent the winter of 1802 in Brussels, where Mr. Emmet received intelligence of his father's death. In the following year he visited France, and spent the winter of 1803-4 in Paris. In October, 1804, he sailed from Bordeaux, and arrived in New York on the 11th of November.—ED.

the consideration of a people to whom he was hitherto a stranger. He is no longer embarked in the troubled scenes of Europe. He commenced his career in the service of his country, to aid in conducting a most important revolution to a successful issue, and he failed in his attempt. About six years of the most valuable part of his life had been lost by imprisonment and the calamities attendant on the part which he acted. He now commences a new career, and with what success, this narrative may present some slight proof.

When Mr. Emmet came to the United States, he was about 40 years of age. His fortune had been broken, and he had a family to sustain and educate. For some time he doubted which profession he would pursue—that of medicine or the law. He was competent to undertake either. His friends advised him to go to the bar, and a great loss would have occurred to this country had he not done so. He then concluded to remove to the western country—to the state of Ohio. He had landed in New York, and had soon after made a visit to some parts of the southern

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country, and Walter Jones, Esquire, a most eminent counsellor and advocate in the District of Columbia, had procured Mr. Emmet's admission to the bar in Alexandria. A slave population prevented his residence at the south. He had selected Ohio as a future residence for many reasons. Land was cheap and the country new—he had a rising and increasing family, which he wished to plant about him—the competition was not so closely waged at the bar as in some other places, and every thing was young and new in polity and laws.

The venerable George Clinton was then governor of the state of New York, and the most popular and powerful man in the state. He was a plain, stern, ardent republican, and of Irish blood. He sent for Mr. Emmet, with whom he had little or no acquaintance, and told him to remain in the city of New-York. He said that Mr. Emmet's great talents would command patronage. General Hamilton, one of the brightest ornaments of the age in which he lived, had fallen in a private quarrel, and there was a great opening at the bar, which Mr. Emmet could occupy. As to the western coun-

try, Governor Clinton said it was a wilderness, and no place for a great lawyer. Mr. Emmet replied that he would gladly remain in New-York, but he could not practise without a previous study of three years, or perhaps six, in order to become a counsellor and advocate, such were the rules of court adopted in New York, and while he was studying law his family would want bread. Governor Clinton told him in answer, not to be discouraged: if the Supreme Court declined giving him a licence, the legislature would give him one by an express statute. George Clinton no doubt could have effected this offer. He was the idol of the people, and the guardian spirit which presided over the republican party. De Witt Clinton was then mayor of the city of New York, an office at that time attended with an income of twenty thousand dollars a year. He was then a great leader in the republican ranks, a statesman of uncommon promise, and had recently resigned his seat in the Senate of the United States. He also sent for Mr. Emmet, advised him to remain in New York, and tendered him his utmost services and influence. He thought

with George Clinton, his uncle, as to the Supreme Court and as to what could be done with the legislature. Under these auspices, Mr. Emmet changed his plans of future life, and concluded to pursue fortune and fame in the city of New York. George and De Witt Clinton then made an informal application to the Judges of the Supreme Court. Chief Justice Spencer was then on the bench as a *puisne* Judge. Judge Thompson and Vice President Tompkins were also there. Chancellor Kent was the Chief Justice. Spencer, Tompkins and Thompson were found friendly; Kent, peculiarly hostile. Judge Spencer was strong and decided, and Mr. Emmet always mentions the kindness, the friendship, and the effective aid of Vice President Tompkins with many expressions of gratitude. Within two years past, he argued a most important cause for the Vice President, without fee or reward, and obtained a verdict of \$130,000—it being a suit with the United States. He said he did it with great pleasure, in remembrance of former friendship. Chancellor Kent was a warm, and I may almost say, a violent federalist. He execrated all re-

publican principles in Europe, and was the disciple of Edmund Burke as to the French Revolution. He looked on Mr. Emmet with an unkind eye, and raised his voice against his appearing in the forums of our state. To the honour of the Chancellor, however, let it now be said, that he has more than once expressed joy to Mr. Emmet, that the other judges over-ruled his illiberal objections. Mr. Emmet was admitted to the bar of New York, without a resort to the legislature. It was a violation of the rules of court, that his great talents and his sufferings palliated and excused.

Mr. Emmet now commenced that splendid career at the American bar, that has not only elevated the character of the profession, but reflected back a lustre on his native land. The Irish bar have reason to be proud of the exile who has so essentially aided in giving immortality to Irish genius. Very soon after Mr. Emmet appeared at our bar, he was employed in a case peculiarly well calculated for the display of his extraordinary powers. Several slaves had escaped from a neighbouring state and found a refuge here. Their masters seized

them, and the rights of these masters became a matter of controversy. Mr. Emmet, I have been informed, was retained by the society of friends—the real, steady, ardent and persevering friends of humanity and justice—and of course espoused the cause of the slaves. His effort is said to have been overwhelming. The novelty of his manner, the enthusiasm which he exhibited, his broad Irish accent, his pathos and violence of gesture, created a variety of sensations in the audience. His republican friends said that his fortune was made, and they were right.

Mr. Emmet's strong and decided attachment to democratic principles was known even before he reached the American shores. Coming to a country where he could breathe and speak freely, he did not find it necessary to repress those bold and ardent sentiments which had animated his bosom while toiling for the emancipation of Ireland. He mingled in the ranks of the republican party. Trans-atlantic politics, it is well known, had extended their agitations and influence to this country. The federal party hated France, hated Ireland in

her revolutionary character, and hated Charles James Fox and his whig party in England. The line drawn in this country is still visible. Mr. Emmet was viewed by the opponents of Mr. Jefferson's administration as a fugitive jacobin. Hence he was doomed to some little persecution, even in this country. The great men of the New York bar were federalists. They therefore turned their faces against Mr. Emmet. They formed a combination, and agreed to decline all professional union and consultation with him. Mr. Emmet has told me the names of this shameful league, but as they are now his warmest friends and admirers, and as I respect and esteem them, their names shall not go from me. One man's name, however, I shall mention; for although a firm federalist, and an eminent man, he nobly denounced the combination and all its objects. I speak of Cadwallader D. Colden. He and Mrs. Colden, an amiable and excellent lady, have paid Mr. and Mrs. Emmet the highest marks of respect and civility ever since they became inhabitants of the United States. When Mr. Emmet ascertained the existence of the league, he did

not hesitate what to do. His native boldness and decision of character governed his conduct. He determined to carry the war into the enemy's country. He did not wait for an attack. He proved the assailant. Whenever he met any of the league at the bar, he assumed the attitude of professional war, and he lost nothing by contact. If Mr. Emmet has any one extraordinary power, it is the ready talent of successful and over-awing reply. His spirit is always dauntless. Fear he never knew. Hence, he generally came off victorious in the wars against the combination.

The league was soon dissolved. Business flowed in, and Mr. Emmet assumed a standing, and was able to maintain it, that put all opposition at defiance. It was not long after his arrival and settlement in New York, that his profession produced him ten thousand dollars a year. During some years, within a more recent period, it has amounted to an annual income of fifteen thousand dollars.

In 1807, Mr. Emmet appeared before the American public in a controversy with Rufus King. Mr. King was the federal candidate for

governor of the state of New York. Mr. Emmet, on political and personal grounds, was opposed to his election. At a meeting of the Hibernian Society, he broke out in an eloquent appeal to his countrymen and brethren, and urged them to rally and embody against Mr. King. This roused the temper of Mr. King's friends, and the federal papers, especially the New York Evening Post, poured a torrent of invective on the head of Mr. Emmet. Severe epithets and hard names were applied to him. He had seen political war before, and was not to have his lips sealed at this time. He addressed two letters to Mr. King, and the last was long and severe. As this will probably reach posterity, I will barely notice its tenor and allegations. Mr. Emmet always considered Mr. King as instrumental in preventing the emigration of the Irish patriots to the United States, previous to their imprisonment at Fort George. Mr. King belonged to the federal school in politics. Among other distinctions in this country, there was what was termed the French party and the British party. The federal party generally sided with the

British government, in all controversies connected with continental politics. The Irish patriots had sought aid from France, and encountered the general aversion of the federalists of this country. Mr. King naturally set his countenance against the contemplated revolution in Ireland, and was not favourably disposed to the emigration of what were termed Irish rebels by the Court of St. James. How far he interfered, or how far the British government feigned his interference, I cannot say; but it was used as a pretext, if not well founded. It will be recollected, that there was a treaty between the anglo-Irish government and Mr. Emmet, Mr. O'Connor, and Dr. McNeven. Among other proffered advantages, was the liberation of the prisoners for a residence in the United States. That liberation was subsequently denied, in violation of the treaty. Mr. Emmet, in his letter to Mr. King, adverts to his interference with great feeling and with no small indignation. "Your interference," says Mr. Emmet, when addressing his letter to Mr. King of 9th April, 1807, "was made the pretext of detaining us four years in custody, by

which very extensive and useful plans of settlement within these states, were broken up. The misfortunes which you brought upon the objects of your persecution, are incalculable. Almost all of us wasted four of the best years of our lives in prison. As to me, I should have brought along with me my father and his family, including a brother, whose name perhaps even you will not read without emotions of sympathy and respect. Others, nearly connected with me, would have become partners in my emigration. But all of them have been torn from me! I have been prevented from saving a brother, from receiving the dying blessings of a father, mother, and sister, and from soothing their last agonies with my cares; and this, sir, by your unwarrantable and unfeeling interference." At the close of his letter, Mr. Emmet remarks: "Circumstances which cannot be controlled, have decided that my name must be embodied into history. From the manner in which even my political adversaries, and some of my cotemporary historians, unequivocally hostile to my principles, already speak of me, I have the consolation of re-

flecting, that when the falsehoods of the day are withered and blasted, I shall be respected and esteemed. You, sir, will probably be forgotten, when I shall be remembered with honour; or if, peradventure, your name should descend to posterity, perhaps you will be known only as the recorded instrument of part of *my* persecutions, sufferings and misfortunes." In speaking of his brother in this letter, Mr. Emmet alludes to Robert Emmet, the unfortunate youth whose speech would alone preserve the name of an empire, and attract to an age the memory of mankind. By his sister, he means that sister whose parting with him in the prison of Kilmainham has been already mentioned.

I express no opinion as to the degree of reproach which should be attached to the character of Mr. King; but I will not omit what is very honourable to himself and to his sons. The former has more than once paid the highest compliment to Mr. Emmet's talents, and in his late argument in the great steam-boat cause, left the senate for two days, to witness and hear his stupendous efforts as an orator. Mr. King's sons have always paid the highest respect to

Mr. Emmet, and wherever his family have appeared in private circles, been marked and particular in their civility. These are small things, but they indicate good feelings.

Mr. Emmets course in 1807, and his ardour and firmness as a republican, identified him with the republican party. He never courted station or public trust: his theatre was the forum. In August, 1812, the Council of Appointment conferred upon him the office of Attorney General of the State of New York. This was a post of honour, but could not add to his professional fame or emolument. He held the office but for a short time, and has never since sought or received any public appointment.

I have now given a brief sketch of Mr. Emmet's life, or rather of its most leading incidents, so far as I have learned them from him and otherwise. I must now perform a more difficult task, and speak of him as one of the great pillars and ornaments of the American bar.

Helvetius remarks, that the sun of glory only shines upon the tomb of greatness. His observation is too often true, but facts and living

proofs sometimes contradict it. Mr. Emmet walks on in life, amid the eulogiums, the admiration, and the enthusiastic regard of a great and enlightened community. Without the glare and influence of public office, without titles and dignities, who fills a wider space, who commands more respect, than Thomas Addis Emmet? Like a noble and simple column, he stands among us proudly pre-eminent—destitute of pretensions, destitute of vanity, and destitute of envy. In a letter which I recently received from a friend, who resides in the western part of the union, a lawyer of eminence, he speaks of the New York bar. “Thomas Addis Emmet,” says he, “is the great luminary whose light even crosses the western mountains. His name rings down the valley of the Mississippi, and we hail his efforts with a kind of local pride.”

If to draw the character of Homer needs the genius of the immortal bard himself; if to pourtray the powers of Demosthenes requires the gigantic intellect of the great Athenian orator, Mr. Emmet has nothing to expect from me. In presenting the features of his mind, I shall describe them from the impressions they

make on me. I paint from the original. I catch the lineaments of the subject as living nature presents them.

The mind of Thomas Addis Emmet is of the highest order. His penetration is deep, his views comprehensive, his distinctions remarkably nice. His powers of investigation are vigorous and irresistible. If there be any thing in a subject, he will go to the bottom. He probes boldly, reaches the lowest depths by his researches, analyzes every thing, and embraces the whole ground. He may be said to have a mind well adapted to profound and powerful investigation. In the next place, he has great comprehension. He sees a subject in all its bearings and relations. He traces out all its various operations. He begins at the centre and diverges, until it becomes necessary again to return to the centre. As a reasoner—a bare, strict reasoner, Mr. Emmet would always be placed in an elevated rank. No matter how dry, how difficult, how repulsive the topic; no matter what may be its intricacies and perplexities, if any man can unfold and amplify it, he is equal to the task. The investigating talent is

not, in my apprehension, peculiar to the Irish character; and among that constellation of talent exhibited by Ireland, but few men have appeared who were endowed with a strong reasoning power. Genius, fancy, fertility, variety, wit, enthusiasm—these appear, and fall to the province of a long list of illustrious and celebrated Irishmen; the attribute first spoken of is rare and marked. Without wandering too far, I must here mention a fact relating to Mr. Curran, that has given me some surprize. Mr. Emmet informs me that Curran, with whom the former was on intimate terms, possessed a logical head. This I never before conceived. His printed speeches do not show it. However, it should be remembered that his every day business—his contests in the King's bench of Ireland, and his arguments in the Court of Chancery, do not reach us. We only see him before a jury, (except in one instance,) moving the feelings, appealing to the sympathies, and kindling all the better emotions of the human breast.

But to return to Mr. Emmet. I have spoken of his talent for deep and rigid investigation. I

will now again recur to another feature of his mind—his talent for reasoning on whatever data or premises he relies on. All the illustrations and all the analogies which can well occur to the mind, are readily and adroitly arranged in his arguments. He makes the most of his cause, and often makes too much—giving a front that is so palpably over formidable, that men of the plainest sense perceive the fruits of a powerful mind, without being at all convinced.

Mr. Emmet is a lawyer of great and faithful legal research. He has consulted books with as much fidelity and perseverance as any man at the American bar. Perhaps he has not done this with so much system as appears in the study of many others; a constant pressure of business may have prevented study upon abstract principles, with bare views of gaining knowledge; but in his day, he has spared nothing in the compass of his reading. He has gone back to the black letter, and come down to all the modern works that weigh down the shelves of our libraries, in the shape of reports and elementary treatises. In his arguments, he calls up all the authorities applicable to his

case; and what is of great consequence in the character of a finished lawyer, these authorities shed light on the subject matter of discussion. There are many advocates, and too many judges among us, who make a parade of their learning; who quote decisions without an accurate discrimination of what they tend to prove. Legal distinctions are not less nice and delicate than those of a moral order. Law and ethics are in fact intimately blended. A system of jurisprudence embraces rules of action for all the concerns of human life that can be interesting to the whole community; for all the business transactions of Society; for the discharge of all mutual obligations incident to civilization, and which it may be necessary for constituted authorities to enforce. No rule of law can be sound and salutary unless it be consistent with justice, when carried through in all its bearings and in its full application to all cases to which it can even pertain. This is the difference between partial and general rules. The law deals in general rules. All its axioms are general. All its maxims are intended to be universal. Hence, when a principle of law is laid down in

a case of a collateral nature to the one under a particular discussion, it needs some judgment to ascertain its strict applicability to a given case. Mr. Emmet cites with accuracy, and courts very much rely on his discernment—a character, by the way, of immense importance to an advocate. Courts soon measure a lawyer's understanding. If he wants perspicuity and clearness—if he mingles and confuses—he is sure to mislead, if he command respect and credence. Hence he will not long find countenance in legal tribunals. Mr. Emmet is not fond of resorting to the civil law, the *corpus juris civilis*. He occasionally draws from this fountain, but reposes generally on the common law. The text of the civil law is in his library, and the works of most of the commentators on this text; but my apprehension is that he has only consulted this grand body of jurisprudence in extraordinary cases.

The subject of this memoir is not less distinguished for his knowledge of the theory of the law, than he is of the practice. As a special pleader, he has great experience and precision. And whoever looks through the decisions of

cases in the New York reports, and those argued in the Supreme Court at Washington, where he has been concerned, will be convinced of the fact here asserted. It has been said, that while Erskine dazzled, charmed and astonished all who heard him in Westminster Hall, the hard head and watchful skill of the *nisi prius* lawyer was always perceptible. Mr. Emmet, while he displays wonderful powers of eloquence, and indulges in bursts of lofty and noble sentiment, and appeals to the great moral maxims that must govern men in this world while we have laws, morals, and obedience to order, never forgets the landmarks of professional watchfulness: he is still the well disciplined lawyer, contending for his client.

I must now mention another advantage that distinguishes Mr. Emmet in his professional career. His historical illustrations are numerous, pertinent, and happy. In this he excels any man whom I have ever heard. He was educated in Europe, and was for many years not only a political man, but associated on intimate terms with the first men of the age. He not only read, but he heard and saw. In addition

to what we find in the volumes of history, he collected many things which floated in the atmosphere of the times, well calculated to give a clue to the character of men and of transactions lost to the ordinary historian. Besides this, he collected a vast fund of anecdote from personal intercourse with great and knowing men. In the various changes of the British ministry, and during a great number of party conflicts, many interesting circumstances transpired, worthy to be treasured up by the moralist, or to be lashed by the satirist. In arguing and in trying great causes, I have heard Mr. Emmet draw on his memory with great effect—calling up parallels and presenting striking contrasts. I can at this moment call two instances to mind, where his recollection and historical knowledge afforded him much aid. When the honourable William W. Van Ness was facing that torrent of political persecution that swept him to the grave, Mr. Emmet was his leading counsel. There was instituted a legislative inquiry into his connexion with the incorporation of the Bank of America, with an intention to find matter on which an impeachment could be sustained—he being a

Judge of the Supreme Court of the state of New York. The case was peculiar, and will be memorable in the history of our state. It terminated in a vote, that there was no ground to impeach judge Van Ness, or to prefer articles of impeachment; and in this vote of the house of Assembly, there was but one dissenting voice. His name, it is hoped, for the honour of free principles and the character of justice, will never be mentioned. But to the point. Judge Van Ness had been a warm federalist, and constant to his principles. He was now a friend and supporter of Dewitt Clinton. Some of his old federal friends, who had completely faced about, and joined what were called the bucktail party, commenced against him a violent and implacable system of hostility. These men had been his bosom friends for years after the incorporation of the Bank of America. They had, at one time, anxiously sought his nomination for Governor. Some of them, who were his immediate accusers, had flourished under the auspices of his friendship. But political rancour and personal ambition sealed the heart to feelings that are honourable to our nature,

and judge Van Ness was marked out as a victim of unprovoked vengeance. In the course of the investigation, there was an argument at the bar of the House of Assembly. - Here was a fine field for Mr. Emmet's transcendent powers, and he made one of his most fortunate efforts. I heard his argument, and I shall never forget it. I shall here only allude to his introduction. He first spoke of the nature of the inquiry instituted against his client. He was not assailed by foes who had been arrayed against him for years—whose hostility had been rendered keen and inveterate by long, constant, and bitter conflicts. He was not assailed by men whose happiness he had blasted, whose fortunes he had wrecked, whose hopes he had disappointed, whose paths he had crossed; he was a persecuted man, and persecuted by those in whose bosoms gratitude, sympathy and respect for his client should find a genial and a lasting refuge. He then struck off into English history. He spoke of the great and illustrious men who had fallen martyrs to the cause of their country, or victims to political and party violence. The scaffold had streamed

with their blood, and their country had blushed in later ages for their fall ; but in all these dark and disgraceful scenes, how many noble instances of friendship, regard, and personal fidelity had appeared ! He particularly alluded to the case of Lord Wentworth, and repeated his words as he uttered them on his trial. While these lights were brought from history, the attention of the Assembly and the spectators was perfectly chained to the words of the advocate. Every sentence was heard, and the blood ran cold in every man's veins.

The other instance appeared in a case of less note. It was a case of libel. A suit had been commenced against the editor of a newspaper, and in the course of the trial certain charges made by the plaintiff on the defendant were brought under examination. The editor was charged with having made offers to sell himself to a political party hostile to the one with which he was identified. Certain witnesses proved, that he had proposed that for a certain loan of money, he would cease from his political labours, and be silent. This was said by his counsel to amount to nothing like a proposition

to sell himself. Throughout the trial, Mr. Emmet displayed an elevated idea of moral rectitude, and indicated his views of political honour. Some of his remarks would rank with the beautiful sketches of Johnson, in his *Rambler* and *Idler*. When he came to the proposition alluded to, he presented the case of the Earl of Bath. He had been a distinguished leader of the whig party in England. On the floor of the House of Commons, he was viewed as an intrepid and incorruptible patriot. He almost arrested the ministry in its course of measures. Sir Robert Walpole at length made him Earl of Bath, and from that moment, no more was heard from the great whig and commoner, Mr. Pulteney.* Did he not sell himself? said Mr. Emmet. The British nation thought so, and the execrations of the whole empire gathered round his head and followed his daily walks. What instance more appropriate and forcible could have been put to the jury? I was engaged with Mr. Emmet in this

* Vide Smollet's *Hist. of England*, p. 268, Jones' University ed.—1826.

trial, and well remember that he quoted from Lord Byron's poem, *Lara*, with great effect; I do not mean the poetry, but the narrative. He produced one of the poet's worst characters. I merely cite these two instances to show his mode of availing himself of his researches.*

As a classical scholar, but few men can stand before Mr. Emmet in point of attainments. He is familiar with the great writers of antiquity—the master spirits who have infused their genius and their sentiments into the popular feelings of ages which have rolled on long after the poet and the orator, the statesman and the historian,

* The passage referred to was something like this:—
“Gentlemen of the Jury—You have no doubt read the poems of Lord Byron. At the festival, *Sir Ezzelin* recognizes and exposes the villain, *Lara*. He challenges his adversary to single combat, and before the appointed time, he disgracefully murders him. Then, at

‘* * * * the promised hour, that must proclaim
The life or death of Lara's future fame,’

he appears on the battle-ground, and exclaims ‘why comes he not? Produce this babbler.’ So the defendant, gentlemen, re-possessioning himself of his written offer, exclaims, Produce the document.”

have ceased to glow, to speak, to guide, or to write. He has closely consulted those oracles of wisdom, those disciples of philosophy, those sons of the muses, whose opinions, sentiments and effusions lighten the sorrows of human existence, inspire the mind with noble ideas, and cheer the ardent and persevering devotions of the student. The man of whom I speak is more intimately acquainted with the poets of Greece and Rome, than with the prose writers : at least, such is the fact evinced in his speeches and conversation. Virgil and Horace are always on his tongue, and Juvenal is sometimes called to his aid. There is a reason for this kind of learning in Mr. Emmet. His early education was in the schools of Europe. He had all the discipline and all the primitive advantages peculiar to those schools. The Latin and the Greek tongues were introduced to his notice when yet a child, and for years they were his daily companions. The writings of the British classics he has also consulted with a delight and advantage which often appear in his arguments. Shakspeare, in particular, he often quotes.

One of the greatest charms of Mr. Emmet's eloquence, is the fancy which he continually displays. He possesses an imagination boundless as the world of light, grandeur, and beauty. Its flights are bold—its pictures soft, magnificent, or awful, as the subject may require. This power is greater in Mr. Emmet than in any other lawyer whom I have ever heard. It enables him to shed a charm over every subject which he touches. To the most dry and meagre topic, he can impart interest and attraction. All his figures indicate taste and propriety. They are often bold and daring, and frequently show very great accuracy and precision of language. It falls to his province to impress on the mind of every hearer a recollection as lasting as life. No man who ever heard him for an hour can forget his figure, his face, his manner, and a great part of his very language. Some of his peculiar figures of speech would be well remembered.

I have already spoken of Mr. Emmet's readiness at retort. Whoever rouses his energies by a rude assault or a stroke of satire, is sure to hear of it again, and generally has good reason

to regret the ill-timed provocation. In 1815, he made his first appearance at the Supreme Court of the United States in Washington. He and Mr. Pinckney were brought in contact. The latter closed the argument in a very important cause in which they were both engaged, and with his characteristic arrogance alluded to the fact of Mr. Emmet's migration to the United States. When he had concluded his argument, Mr. Emmet being for the respondent in error, had no right to reply ; but he nevertheless rose, and after correcting a trifling error in some of Mr. Pinckney's statements, he took up the mode and manner in which his opponent had treated him. He said he was Mr. Pinckney's equal in birth, in rank, in his connexions, and he was not his enemy. It was true that he was an Irishman. It was true that in attempting to rescue an oppressed, brave, and generous hearted people, he had been driven from the forum and the Senate-hall of his own native land ; it was true that he had come to America for refuge, and sought protection beneath her constitution and her laws ; and it was also true that his learned antagonist would never gather a

fresh wreath of laurel, or add lustre to his well earned fame, by alluding to these facts in a tone of malicious triumph. He knew not by what name arrogance and presumption might be called on this side of the ocean; but sure he was, that Mr. Pinckney never acquired these manners in the polite circles of Europe, which he had long frequented as a public minister. Mr. Pinckney was not ready at retort, and he made no reply; but a few days afterwards it so happened, that he and Mr. Emmet were again opposed to each other in a cause of magnitude, and it fell to Mr. Emmet's part to close the argument, who was determined that his antagonist should be put in mind of his former deportment and expressions. Mr. Pinckney was aware of the thunderbolt in store, and took the opportunity of paying to Mr. Emmet's genius, fame, and private worth, the highest tribute of respect. This respect was never afterwards violated. When Mr. Emmet rose out of his place as before stated, Chief Justice Marshall indicated great uneasiness, thinking that something unpleasant might be the result. Mr. Justice Livingston reached forward his head and re-

marked in a whisper, "let him go on; I will answer that he says nothing rude or improper." With this, as well as with the result, the Chief Justice was satisfied.

Some years previous to this, Mr. Emmet repaired to the county of Chenango, to try an indictment for an attempt to procure the vote of a member of the legislature by bribery and corruption. He was then Attorney General, and the proceeding excited strong party feelings. Elisha Williams and Mr. Foot, formerly an eminent counsellor and advocate residing in Albany, were opposed to him. The latter had his task assigned him—he was to brow-beat Mr. Emmet. In the discharge of this duty, he stated, among other things, that Mr. Emmet's promotion to the office of Attorney General was the reward of party efforts, and that in conducting this prosecution, he was doing homage for that office. He gained nothing by his assaults. When Mr. Emmet came to this part of his speech, he stated the accusation as it had been made by his opponent, and replied, "it is false, and he knew it. The office which I have the honour to hold, is the reward of useful days

and sleepless nights, devoted to the acquisition and exercise of my profession, and of a life of unspotted integrity—claims and qualifications which that gentleman can never put forth for any office, humble or exalted.”

In 1822, Mr. Emmet was employed in a very interesting case in the Court of Errors in the state of New York. A man had died leaving a large estate, and a pretended wife claimed it by virtue of a nuncupative will. The estate was claimed by Irish heirs, and the legality of the will was disputed. Mr. Emmet appeared for the heirs, and it occurred that most or all the witnesses who sustained the illegality of the instrument in question, were Irishmen. Mr. Henry, of Albany, an able and sagacious advocate, attempted to invalidate the testimony of these witnesses, and indulged many rude hits on account of their national character. Mr. Henry being himself of direct Irish descent, and having made almost a direct attack on Mr. Emmet, roused all his fire. The arguments of the different counsel consumed several days, and when the great Irish orator drew to the close of his extraordinary efforts, which had consumed

two entire days of the court, he broke forth into one of his master exertions. The nature of the testimony alluded to he had already examined ; he now took up the reflection on Irish character . He carried the eye of the court over the land of his birth—the graves of her illustrious men—the monuments of her heroes, her orators, her statesmen, her poets, her philosophers ; he then pictured her green fields, her beautiful shores, the genius of her people, the simplicity of her peasantry, and the dark and horrid gulf in which her liberties and her happiness were buried ; he came down to himself, the scenes through which he had passed, and the honesty, the zeal, and the integrity which he had found among his countrymen. And lastly, he pointed to Mr. Henry. If he had a drop of good blood in his veins, it was Irish blood. When he beheld the successful efforts in that forum on the part of his learned antagonist, he felt that he was an Irishman ! The whole scene was one of the most interesting that I ever witnessed.

Mr. Emmet's deportment at the bar is mild, urbane, dignified and conciliating. To the junior members of the profession, in particular, he

is a model of obliging civility—always speaking favourably of their efforts and kindly of their exertions, however meagre and discouraging. To me he has given many sound lessons of advice. “*Let me see you do that again,*” has been his language of reprehension when condemning some particular habit or fault.

Mr. Emmet’s appearance and manners are plain and simple in the extreme. His dress is wholly unstudied. Every thing, however, shows the most perfect delicacy of feeling. Modest, unassuming, unobtrusive, and perfectly polite, he would alone attract the attention of a stranger by that amiable temper and obliging disposition that manifested themselves on all occasions. I do not consider him an eloquent or a powerful man in ordinary conversation. His remarks are generally appropriate, and well adapted to passing colloquial scenes. He speaks with sense and intelligence ; but he discovers nothing of the man he is, unless called out by an occasion sufficient to awaken his mind and create excitement. In the circles of Washington, with Robert Goodloe Harper, John Randolph, William Wirt, and others of an equal

rank in talents, I have heard him converse with uncommon interest on English history and the policy of European governments. I once heard him contrast and describe the characters of the most distinguished British statesmen who had shared in the confidence of the government, from the days of Robert Walpole to those of Lord Castlereagh, a man whose heart he abhorred and detested; but how much more powerful and interesting would he have appeared on the same topics in the Senate house!

Having never heard the speeches and arguments of Erskine and Curran, I am incompetent to compare Mr. Emmet with those great orators. Manner is one of the principal attributes of a great speaker; and Mr. Emmet's is excellent, and in many respects unrivalled. But if I might be permitted to compare Mr. Emmet's speeches, as I know they would read if written out, with Erskine's and Curran's, as they are reported, he would not fall behind his illustrious competitors. To Mr. Curran, I think Mr. Emmet superior—superior as a mere lawyer, and superior as a logician; and exquisitely beautiful and truly eloquent as Curran really

was in the defence of Rowan, I think Emmet would have made a more powerful and overwhelming speech in that great case. As a lawyer and an orator, I am not to say that he is superior to what Erskine was in the days of his glory ; for I view that orator with a veneration that is never invaded or diminished. Mr. Emmet would not have excelled him in the case of Stockdale, in the case of the publisher of the Rights of Man, nor in any of the splendid efforts that marked the unrivalled career of the prince of English orators in the forum ; but he would have been the competitor of Erskine in such cases, had he met him on equal terms at the English bar ; and I might safely challenge the whole list of Irish orators for the superior of Thomas Addis Emmet. As for Charles Phillips, he is not to be named in comparison. He is the fertile and baneful source of false taste and declamatory nonsense. Oftentimes he is beautiful ; but his style has done infinite injury among the students of our schools and universities. Mr. Emmet's style is always pure, vigorous, and appropriate.

In his private character, the object of this

memoir is without a blemish. Generous, humane, obliging, and strictly honest; a heart open, frank and ardent; upright in all his dealings; rigid and austere in his habits; temperate and rational in all his enjoyments; liberal, and free from prejudice upon every subject; kind and affectionate as a husband, a father, and a friend; anxious to do good and diminish evil. Such a man is Mr. Emmet.

With all these qualities of intellect and of heart, Mr. Emmet has some defects; I mean defects of a professional description. His zeal sometimes clouds his judgment, and obscures the perceptions of his mind. In the worst of causes—in cases where the merits were palpably against him, I have known him struggle with the same ardour and assurance as though he was perfectly persuaded of the justice of his suit. This has diminished his influence in our courts. They have imbibed a habit of listening to his legal doctrines with suspicion. I once heard him argue a point of law before Judge Thompson, in the Circuit Court of the United States, with a great deal of animation and apparent conviction of the correctness of his

grounds. When he had finished, Judge Thompson put a case to him to test the soundness of the counsellor's positions. He began by saying, "suppose, Mr. Emmet, that ten years hence this case occurs, &c." describing the premises from which he wished Mr. Emmet to draw the conclusion. Mr. Emmet found himself in difficulty, and merely replied, that ten years hence his client might have other counsel, whom he would leave to answer the question. Perhaps the question was not altogether proper, for a lawyer must take cases as they come into his hands; he cannot make them to conform to his inclinations. Still, he should be a little guarded how he commits his reputation for sound legal learning in sustaining doubtful or more than doubtful points.

I cannot follow my inclination in closing this little notice, without committing to writing some anecdotes which Mr. Emmet has related to me. I will mention two or three which reflect great credit on the fidelity of the Irish people. The first has a relation to the celebrated Mr. Rowan, already spoken of. It will be recollected that he was convicted in that celebrated trial where

he was defended by Mr. Curran. He was cast into prison, and his sentence was hard and severe. While incarcerated in the cells of one of the dungeons of Dublin, Mr. Emmet and two or three others contrived a plan for his escape. It was successfully executed. A small vessel was to take him to France. It was an Irish schooner, manned by Irish sailors, who knew nothing of the person whom they were to transport to the continent. His name, character, and every thing were concealed. They agreed to take a person to Havre for a certain sum, and to go with all possible expedition. In the night time Mr. Rowan boarded the little vessel, directly from his jail. The wind changed, and instead of sailing the next morning as it was expected, she was detained some five or six days in port. The government discovered Mr. Rowan's escape the next morning subsequent to his deliverance from captivity. A proclamation was instantly issued, and three thousand pounds sterling were offered as a reward for his detection. There were but four or five seamen in the whole crew of the Irish vessel. Mr. Rowan's situation may now be well imagined. All Dub-

lin rung with the news of his breaking from prison. The sailors were daily on shore. The proclamations were posted up on the market cross and every where else, and scattered in the streets. The seamen picked up several copies and brought them on board their vessel, and read them aloud in Mr. Rowan's presence ; for he had never left his place of concealment. At length one of the crew cast his eyes on Mr. Rowan, and quick as lightning, comparing him with the description contained in the proclamations, exclaimed, "*You are the man ! This is Archibald Hamilton Rowan !*" Mr. Rowan, with that firmness incident to his character, replied, "*I am the man ; I am Rowan—and I am in your hands ; act as you think proper.*" Instantly every one of the crew answered, "Mr. Rowan, you are safe. By us you shall never be given up. We have agreed to carry you to France, and there you shall be landed." The next day the schooner sailed, and there Mr. Rowan was landed by these poor sailors. Let the annals of the world be consulted ; let the noblest traits of human nature which ages have unfolded be displayed in their most com-

prehensive form, and where would a nobler instance of disinterestedness be found ? The reward was great ; to Mr. Rowan these poor men were allied by no political sympathy nor by any other peculiar tie ; they had never seen nor known him before. Their compensation to carry him to France was a mere trifle ; he made them no splendid offers of money, and yet he was protected by their generous feelings—their sense of humanity, honour and justice.

On one of the northern circuits, Mr. Emmet was retained to defend one of the United Irishmen indicted for treason. He entered the prison where his client was confined, and talked over his case. His defence consisted in the weakness of the prosecution. The prisoner said that he must be acquitted, because the government could produce no testimony against him. He said he was guilty enough, but it could not be proved. “ But,” said Mr. Emmet, “ surely the United Irishmen in this quarter of the country are familiar with the overt acts of your treason ; how do you know that you are not betrayed ? ” “ God forbid,” said the prisoner, “ that such a suspicion should cross your mind.

If United Irishmen are to prove treacherous, my life is in the hands of forty thousand men. Yes, Mr. Emmet, this day forty thousand witnesses know that I have committed treason; but mark my words—my life is safe.” The trial ensued, and the prisoner was restored to his family and to his country. Tacitus, the illustrious Roman historian, I think, in his commencement of the life of Agricola, speaking of the dark and horrid scenes of tyranny and blood through which the Roman people had passed during his days, remarks with great sensibility and pathos, that amid all these trials and cruelties, many noble instances appeared, honourable to the human heart. Fidelity often triumphed over all temptations and sufferings; friends protected friends; and the most virtuous sympathies of the human soul were cultivated with unshaken constancy. There are facts in Irish history deserving the pencil of Tacitus.

In one of the northern counties, a poor but reputable man was condemned to be hung for being concerned in the contemplated rebellion concerted by the United Irishmen. When the court sentenced him for execution, one of the judges read him a long moral lecture upon the

enormity of his offence—the wickeness of opposing the British government. After exhausting all the sources of his pathetic elequence, he asked, “and have you no wife and children to leave behind you?” “Yes, my Lord,” said the poor man, “I have a wife and children ; but I leave them in the hands of God, and they are willing to trust to him after I am gone and buried. They rejoice in the glorious cause for which I perish.”

In a recent case in our criminal court for the city of New York, Mr. Emmet has had an opportunity of explaining the broad principles of that grand revolution in which he embarked. The United Irishmen and the Orange-men who had emigrated to this metropolis had a tremendous battle upon old party grounds. They appeared in our streets in the upper part of the city with their ancient badges of distinction. Terrible assaults and batteries were committed, but no lives lost. Mr. Emmet appeared in court as the counsel for his ancient associates, and we may well imagine in what manner he touched on that portion of Irish history that recalled to his mind the days of his suffering, persecution and imprisonment. For two hours he

spoke on this topic ; and as the younger Lyttleton said, when he first heard Lord Chatham, he made my blood run cold, and touched the deepest recesses of my heart. The Irish population had gathered into court, and with silent awe they heard their great countryman pour out his soul on the degradation of the country which they had abandoned. However, both parties did not feel the pride which was manifested by the famous Lord Lovet, when he was tried for his life and found guilty. Mr. Murray, afterwards Lord Mansfield, was then Attorney General, and conducted the prosecution—the trial having taken place in England, not Scotland. The eloquence of Lord Mansfield requires no eulogium at this late day. He broke forth on this occasion with great power. After he had concluded, Lord Lovet, who was proud to see a Scotchman at the head of the English bar, remarked, “that it was worth being executed to hear such a speech from his countryman.”

Here ends the manuscript of Mr. Haines. It remains for the editor to add the circumstances

of Mr. Emmet's death. Early in November, 1827, he had been much engaged in the defence of Lieut. Percival, on a charge of extortion, and also in a cause of unusual importance, generally called the great Astor case, involving the right of Mr. Astor to lands in Putnam county, to the amount of perhaps eight hundred thousand dollars. In the former case he defended his client with all his accustomed vigour and ability, and the result was a verdict of acquittal. In the latter, on Monday, the 12th, he addressed the jury in a style of animated eloquence, of prompt and overwhelming retort, and of powerful argument, which was said by many of his audience to have even surpassed his earlier efforts. On Wednesday, the 14th, while attending the trial of another cause of importance, (the case of the Sailors' Snug Harbour,) in which he was counsel, in the United States' Circuit Court, he was seized with an apoplectic fit; and on being carried home, he expired in the course of the following night, being in the 63d year of his age. He had made no exertion in particular that day, but had taken notes of the testimony through the morning, and

on examination these notes were found to be a full and accurate transcript of what occurred up to the very moment when the pen fell from his hand on his being seized with a fit. The scene in the court room was in the highest degree impressive. Every individual present—the court, the bar, the audience, all were absorbed in the most anxious interest for the fate of this eminent man. The court was instantly adjourned. When his death was known, the expression of sorrow and respect was universal. His funeral was attended by the members of the bar, the students at law, and a crowd of other citizens, all desirous to pay their tribute of respect to the memory of the great deceased. A neat monument of white marble has since been placed in the wall of the apartment where Mr. Emmet was seized with the fatal illness. It is surmounted with his bust, and bears the following inscription:

THOMÆ . ADDIS . EMMET

VIRO

DCCTRINA . IURE . SCIENTIA . ELOQUENTIA

PRÆSTANTISSIMO

INTER . HÆC . SUBSELLIA . ET . OFFICII . MUNERA

SUBITA . MORTE . CORREPTO

SOCII . FORENSES . POSUERANT.

It may be permitted to add a few words to what the foregoing pages contain respecting the eminent subject of this memoir.

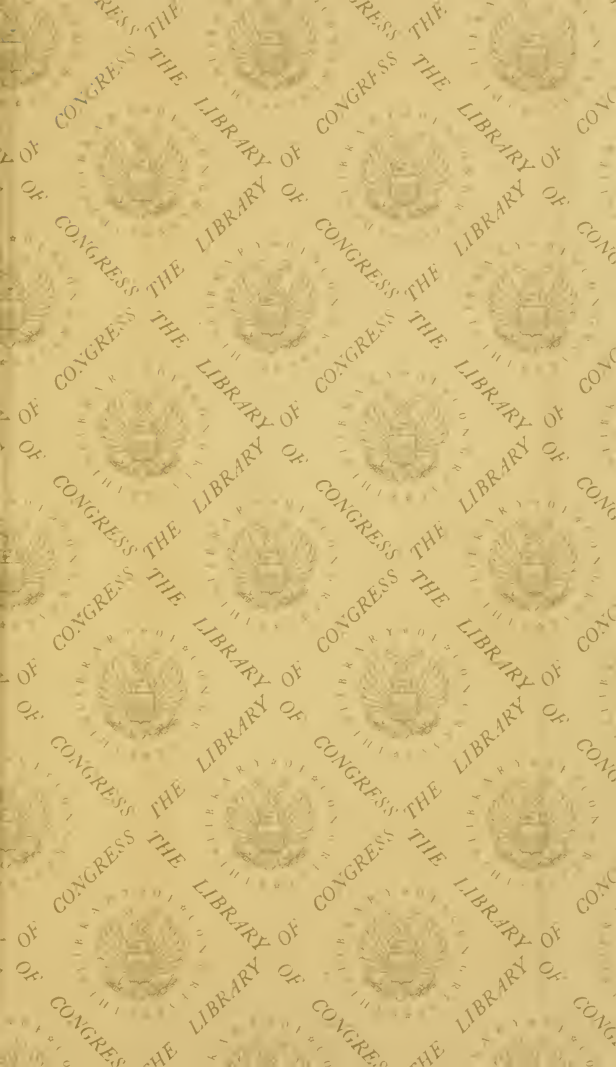
Mr. Emmet was a diligent student. He confined himself to study and business more than twelve hours a day. After returning home in the evening, he would retire to his own apartment, and continue the investigation of any subject in which he was engaged till twelve or one at night. His constitution was vigorous, and his habits uniformly temperate, so that his devotion to study never seemed to injure his health. It was one consequence of this intense application, that he was remarkable among his brethren at the bar for his perfect knowledge of

the cases in which he was concerned. When Mr. Emmet came into court, he was sure to be familiar with every point of the testimony, and could not be taken by surprise. When not employed in solving some legal question, his reading was often discursive. He would sometimes amuse himself with mathematical calculations. He found leisure to make himself acquainted with all the current news of the day. Yet he spared no time for the diversions of society, went into little company, and rarely appeared at public dinners. At home he was always gay and cheerful. He was utterly devoid of ceremony. His dress was good, but he was very careless of it; if it rained, he was as likely to be seen without as with an umbrella. The furniture of his office was plain and ordinary. But while he was totally neglectful of these trifles, he was never inattentive to the feelings of others. High and low were sure of meeting from him a kind and courteous reception. Yet his was no studied politeness; it was the natural offspring of a good heart; and the full energies of his mind were devoted to the great and interesting topics which agitated individuals

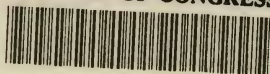
and nations. His appropriate sphere was active life ; and he may well be pronounced fortunate, since he filled the station for which nature and education peculiarly qualified him. Although the prime of his life was darkened by misfortune ; although he was severely disciplined by the hardships of imprisonment and the bitterness of exile, yet he was trusted and revered in the land where he was persecuted as a rebel, and in the country of his adoption, where he arrived in the vigour of his manly strength, and held the erect attitude of an unbroken and unbending spirit, he readily obtained the confidence of all those who became acquainted with him, mingled largely in the transaction of important affairs, placed himself at the head of his profession without leaving one blot on his escutcheon for envy to point its finger at, and acquired a brilliant reputation as a lawyer and an orator. That nothing might be wanting to complete the happy fortune which Providence seemed to bestow upon his mature life, in some sort as a compensation for the sufferings of his early manhood, he did not waste away in the gradual decay of imbecile old age, but died in

the fulness of his years, cut off in the very field of his honourable triumphs. His remains were consigned to the dust by affectionate children, whom he had been permitted to see already filling a space in the public eye; and the community in which he had lived paid a willing tribute of love and honour to his memory.





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